

BOARD OF ADJUSTMENT REPORT



Meeting Date: 10/7/2020

ACTION

5648 N Scottsdale Road Setback 12-BA-2020

Request to consider the following:

1. Request by owner for a variance to the City of Scottsdale Zoning Ordinance, Section 5.804.E.1.a, pertaining to the required setback from a property line abutting a R-1, R-4R, or M-H district for a property with Townhouse Residential (R-4) zoning located at 5648 N Scottsdale Road.

OWNER

Daniel Mayer
(949) 706-0201

APPLICANT CONTACT

HEATHER DUKES
SNELL & WILMER, L.L.P
(602) 320-8866

LOCATION

5648 North Scottsdale Road



BACKGROUND

History

The parcel was annexed in 1961 with R1-43 zoning through Ordinance 121. The parcel was rezoned to R-4R in the mid-60's with case 36-ZN-1964 and then rezoned again in the late 60's to its current zoning designation, R-4, with case 15-ZN-1968. According to the Maricopa County Assessor, the townhouse on the subject parcel was constructed in 1970.

In the early 80's the townhouse parcel directly to the north of the subject parcel, 5652 North Scottsdale Road, was granted a variance to reduce the rear setback from 15 feet to 5 feet with case 35-BA-1982.

Zoning/Development Context

The subject parcel is located within the Scottsdale North townhouse subdivision. It is adjacent to other townhouse units with R-4 zoning to the north, east, and south. The western lot line abuts the boundary between Scottsdale and The Town of Paradise Valley. The two parcels to the west, adjacent to the subject parcel, are developed as single-family residential homes and have a Paradise Valley zoning designation of R-43, which is analogous to the City of Scottsdale's R1-43 single family residential zoning district.

Zoning Ordinance Requirements

Zoning ordinance section 5.804.E.1 states that "Wherever an R-4 development abuts an R1, R-4R, or M-H district or an alley abutting any of those districts, the following shall apply:

- a. A yard of not less than fifteen (15) feet shall be maintained for the single-story structures.
- b. An additional depth of ten (10) feet shall be provided for each additional story."

Zoning ordinance section 5.804.E.2 allows for zero setback development when the adjacent zoning district is any other than R-1, R-4R, or M-H.

Thus, the required setback from the north, east, and south lot lines is zero feet, and the required setback from the west lot line is fifteen (15) feet. The Town of Paradise Valley's R-43 zoning district is considered analogous to a Scottsdale R1 zoning district, as both ordinances restrict the allowed land uses in these districts primarily to single family detached residential homes. This interpretation and the application of the setback requirement prescribed in zoning ordinance section 5.804.E.1.a is consistent with that made in 1982, pursuant to Scottsdale Board of Adjustment case 35-BA-1982 for the lot abutting the subject parcel to the north.

The applicant is requesting a variance of ten (10) feet, to reduce the required setback from an R1 district to five (5) feet.

Code Enforcement Activity

There is no active code enforcement activity on the subject parcel.

Community Input

The applicant sent notices to property owners within 750 feet of the subject parcel. The applicant also provided two emails from adjacent lot owners stating that they had no objection to the applicant's proposed addition encroaching into the required yard.

City of Scottsdale notification postcards were sent to property owners within 750 feet of the subject site, the site was posted with a notification sign, and a notice was published in a newspaper of local circulation. As of the writing of this report, staff has not received any direct public feedback regarding the proposed variance.

Discussion

The applicant is requesting a variance of ten (10) feet, to reduce the required setback from the abutting R-1 zoning district from fifteen (15) feet to five (5) feet. The applicant has provided a site plan showing the proposed addition for which the requested variance is required. The site

plan shows a livable addition seven (7) feet and three (3) inches from the west lot line of the subject parcel. If the variance is not granted, the applicant will be required to adhere to the fifteen (15) foot required setback for the proposed addition.

VARIANCE CRITERIA ANALYSIS

- 1. That because of special circumstances applicable to the property including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district:**

Applicant Statement:

The applicant states in their narrative that the location, size, and shape of the parcel create special circumstances applicable to the subject property. The subject parcel's location, on the outer west perimeter, is among the shallowest property sizes and shapes in Scottsdale North. This outer west perimeter location possesses the 5 (five) shallowest properties in the community.

The applicant also states that there are six (6) properties with a lot depth less than the ordinance requires (lots 6, 7, 13, 14, 15, and 18). Of those six properties, three are located on the outer west perimeter like the subject parcel.

Staff Analysis:

The subject parcel's location on the perimeter of the subdivision is not unique; the fifteen (15) foot setback from the abutting R1 district is applicable to all lots along the western perimeter except for lot 13, which has been granted a variance to reduce its setback from the R1 district to five (5) feet. The size of the subject parcel is similar when compared to other perimeter lots in the subdivision; the perimeter units average between 5,000 and 6,000 square feet and the subject parcel is approximately 5,745 square feet. The shape of the subject parcel does not appear to be unusual in comparison with other perimeter lots within this subdivision.

There is no record showing that the parcels in this subdivision are not meeting the required setback. Out of the aforementioned lots, only lot 13 has a variance to reduce its required setback and a permit for that addition.

- 2. That the authorization of the variance is necessary for the preservation of privileges and rights enjoyed by other property of the same classification in the same zoning district, and does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located:**

Applicant Statement:

The applicant states in their narrative that lot 13, which abuts the subject parcel to the north, enjoys the existing privilege of a five (5) foot setback from the adjacent R1 district,

which was granted by the Board of Adjustment. The applicant states that they are asking for the same privileges and rights as currently enjoyed by lot 13.

The applicant also states that lots 14, 7, 15, 18, 6 within the same townhouse subdivision currently enjoy existing building setbacks of less than the required fifteen (15) feet. Lot 493, a single-family residential parcel located in Paradise Valley directly to the west of the subject parcel, possesses the existing privilege of a zero (0) foot setback for an accessory structure. The applicant is requesting the same rights and privileges as enjoyed by the aforementioned parcels.

Staff Analysis:

There are no records showing parcels in this subdivision that are not meeting the required setback. However, with exception of lot 13, all of the parcels in the Scottsdale North subdivision abutting the adjacent R1 district are required to adhere to the required fifteen (15) foot setback. The variance granted to lot 13 to reduce said setback from fifteen (15) feet to five (5) feet was granted with case 35-BA-1982; the relevant case documents have been attached to this report for reference (attachment 7). According to the site plan provided by the applicant, there is approximately 26 feet of existing yard depth between the majority of the existing structure and the property line, leaving eleven (11) feet of lot depth in which an addition could be constructed without the need for a variance.

3. That the special circumstances applicable to the property were not self-imposed or created by the owner or applicant:

Applicant Statement:

The applicant states in their narrative that they did not create the subject location, size, and shape creating the special circumstances, and that they did not approve the six surrounding properties with encroachments into the required setback.

Staff Analysis:

The size and location of the subject parcel is similar when compared to other perimeter lots in the subdivision; the perimeter units average between 5,000 and 6,000 square feet and the subject parcel is approximately 5,745 square feet. The shape of the subject parcel does not appear to be unusual in comparison with other perimeter lots within this subdivision. The applicant was not involved in the creation of the parcel's location, size, or shape. According to the site plan provided by the applicant, there is approximately 26 feet of existing yard depth between the majority of the existing structure and the property line, leaving eleven (11) feet of lot depth in which an addition could be constructed without the need for a variance.

4. That authorization of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general:

Applicant Statement:

The applicant states in their narrative that the proposed addition is in the rear of the property which has existing eight (8) foot tall block walls which will screen views of the addition from adjacent properties. The proposed addition is minimally visible from lot 11 to the south, lot 13 to the north, and the parcel to the west. The applicant has provided letters of no objection from the owners of lots 11 and 13, which have been attached to this report for reference. The applicant also states that the approval of a five (5) foot setback will not be detrimental to traffic.

Staff Analysis:

The purpose of the fifteen (15) foot required setback from an abutting R1 district is to create a buffer and separation of building masses between districts with different densities. The granting of the proposed variance may not be compatible with that purpose.

As of the writing of this report, staff has not received any direct public feedback regarding the proposed variance. The applicant has provided some feedback from adjacent property owners, which is attached to this report for reference.

SUMMARY

Based on the facts presented by the applicant, the evidence would support a finding that the property may not have special circumstances that would warrant relief from the strict application of the Zoning Ordinance requirements. The size, shape, topography or configuration of the property is not unique and applicable. The applicant's proposed variance appears that it may not be detrimental to persons residing or working in the surrounding neighborhood. A smaller addition could be constructed without the need for a variance. However, the decision about whether the criteria have been met is for the Board to make after hearing all the evidence at the hearing.

APPROVED BY



Omar Smailbegovic, Report Author
480-312-3087, osmailbegovic@scottsdaleaz.gov

Date



Bryan Cluff, Board of Adjustment Liaison
480-312-2258, bcluff@scottsdaleaz.gov

8/17/20

Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

9/22/2020

Date



Randy Grant, Planning and Development
Executive Director
480-312-2664, rgrant@scottsdaleaz.gov

9/22/2020

Date

ATTACHMENTS

1. Applicant Narrative
2. Context Aerial
3. Aerial Close-Up
4. Zoning Map
5. Site Photographs
6. Proposed Site Plan
7. 35-BA-82 case documents
8. Correspondence
9. Applicant Supplemental Information

Num. 12 – APPLICATION NARRATIVE and JUSTIFICATION

Case: 549-PA-2020

Owner:

Two 5 Eight Living Trust

Owner/Applicant Contact:

Dan Mayer, Trustee
949-706-0201
dan.mayer@outlook.com

Location:

5648 N Scottsdale Rd (Lot 12 Scottsdale North)

Zoning / Development Context and History

The subject property is Lot 12 Scottsdale North located on the outer west perimeter of the community. It is located in zoning district R-4 abutting R-4 to the north, south, east and R-43 to the west. Scottsdale North is located on the west side of Scottsdale Rd in-between E Jackrabbit Rd and E McDonald Dr.

The subject property has continuously been zoned R-4 since September 3, 1968. It is a single-story townhouse permitted in 1969 and completed in 1970.

Adjacent Uses and Zoning:

- North – Lot 13 of Scottsdale North, same R-4 zoning district and abuts same R-43 to the rear
- South – Lot 11 of Scottsdale North, same R-4 zoning district and abuts same R-43 to the rear
- East – Lot 34 of Scottsdale North, same R-4 zoning district and abuts R-4 on all 4 (four) sides
- West – Lot 493 of Hidden Village 11, R-43 zoning district and abuts subject R-4 to the rear

Zoning Ordinance Requirements

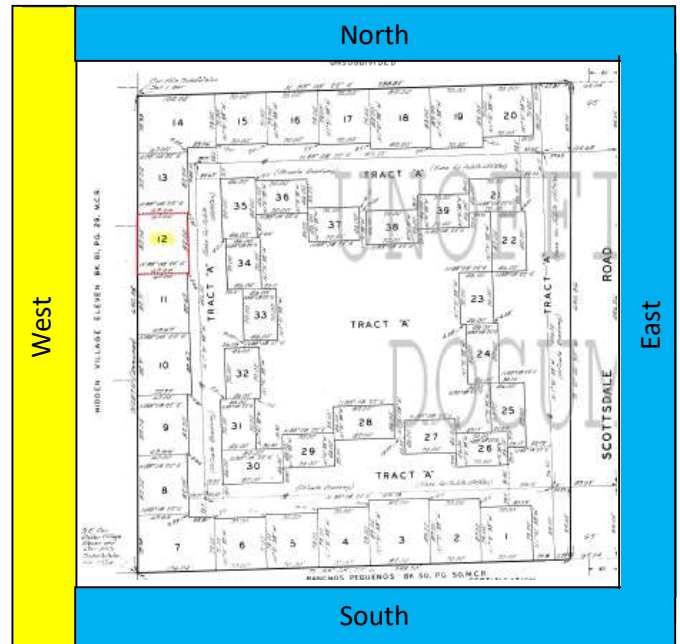
Section 5.804 – Property Development Standards

5.804 E.1. – Building Setback

Wherever an R-4 development abuts an R-1, R-4R or M-H district or an alley abutting any of those districts, the following shall apply:

- a. A yard of not less than fifteen (15) feet shall be maintained for the single-story structures;
- b. An additional depth of ten (10) feet shall be provided for each additional story.

The owner/applicant is requesting a 10-foot yard depth code of ordinance variance.



Num. 12 – APPLICATION NARATIVE and JUSTIFICATION

Case: 549-PA-2020

Section 1.804 – Variances.

- 1) That because of special circumstances applicable to the property including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.

Owner/Applicant Response:

- a. The location, size and shape create special circumstances applicable to the subject property. The subjects' location, on the outer west perimeter is among the shallowest property sizes and shapes in Scottsdale North. This outer west perimeter location possesses the 5 (five) shallowest properties in community (8, 9, 11, **12** and 13);
 - b. There are 6 properties with lot depth less than code of ordinance (6, 7, 13, 14, 15 and 18). Of those 6 properties, 3 are located on the outer west perimeter with the subject (7, 13 and 14) (see Exhibit B, Scottsdale North Plat Map and Exhibit I, Lots with Yard Depth Comparison).
- 2) That the authorization of the variance is necessary for the preservation of privileges and rights enjoyed by other property of the same classification in the same zoning district, and does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

Owner/Applicant Response:

- a. Abutting property, **Lot 13**, possesses the same classification and in same zoning district enjoys the existing privilege of a 5-foot yard depth abutting the same R-43. The owner-applicant is asking for the same privileges and rights currently being enjoyed by Lot 13 (see Exhibit G, Lot 13 Scottsdale North BOA Minutes and Exhibit G-1, Lot 13 Approved Building Permit);
- b. Property, **Lot 14**, possesses the same classification and in the same zoning district enjoys the existing privilege of a 6-foot yard depth abutting the same R-43. The owner-applicant is asking for the same privileges and rights currently being enjoyed by Lot 14 (see Exhibit D, Lot 14 Maricopa County Assessor Sketch);
- c. Property, **Lot 7**, possesses the same classification and in the same zoning district enjoys the existing privilege of a 13-foot 4-inch yard depth abutting the same R-43. The owner-applicant is asking for the same privileges and rights currently being enjoyed by Lot 7 (see Exhibit D-2, Lot 7 Approved Building Permit);
- d. Property, **Lot 15**, possesses the same classification and in the same zoning district enjoys the existing privilege of a 11-foot yard depth. The owner-applicant is asking for the same privileges and rights currently being enjoyed by Lot 15 (see Exhibit D-3, Lot 15 Maricopa County Assessor Sketch);

Num. 12 – APPLICATION NARATIVE and JUSTIFICATION

Case: 549-PA-2020

- e. Property, **Lot 18**, possesses the same classification and in the same zoning district enjoys the existing privilege of a 11-foot yard depth. The owner-applicant is asking for the same privileges and rights currently being enjoyed by Lot 18 (see Exhibit D-4, Lot 18 Maricopa County Assessor Sketch);
 - f. Property, **Lot 6**, possesses the same classification and in the same zoning district enjoys the existing privilege of an 8-foot yard depth. The owner-applicant is asking for the same privileges and rights currently being enjoyed by Lot 6 (see Exhibit D-1, Lot 6 Maricopa County Assessor Sketch);
 - g. Abutting property, **Lot 493**, possesses the existing privilege of a liberal 0-foot yard depth for a 49-foot by 25-foot detached garage. The owner-applicant is asking for the same privileges and rights currently being enjoyed by this abutting property (see Exhibit E, map from City of Scottsdale and Exhibit F, Lot 493 Hidden Village 11 Maricopa County Assessor property sketch).
- 3) That the special circumstances applicable to the property were not self-imposed or created by the owner or applicant.

Owner/Applicant Response:

- a. The owner/applicant did not create the subject location, size and shape create special circumstances;
 - b. The owner/applicant did not approve the 6 (six) surrounding property building permits with yard depths less than what is outlined in the code of ordinance (see Exhibit B-1, Surrounding Properties with Permitted Yard Depth Less Than Code of Ordinance).
- 4) That authorization of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.

Owner/Applicant Response:

- a. The proposed addition is in the rear of the property where there are existing 8-foot tall block garden walls/fence which will continue to inhibit views into each of our rear yards;
- b. The proposed addition is minimally visible only from Scottsdale North Lot 11 to the south, Lot 13 to the north and Hidden Village Lot 493 to the west. The proposed addition will not block any of their views whatsoever (see Exhibit C-1, Lot 11 Notice of No Objection and Exhibit C-2, Lot 13 Notice of No Objection);
- c. The proposed addition is in the rear of the property and is not visible to the neighborhood and/or general public whatsoever (see Application Item 10b, photo of subject from street);
- d. Approval of 5-foot yard depth will not affect traffic in the City of Scottsdale, Maricopa County and/or the State of Arizona;

Num. 12 – APPLICATION NARATIVE and JUSTIFICATION

Case: 549-PA-2020

- e. Approval of 5-foot yard depth will not affect the demand on public services in the City of Scottsdale, Maricopa County and/or the State of Arizona.

Compensating Factors:

- Subjects zoning district is R-4 with a permissible density of 8.31 units per acre. Subjects community of Scottsdale North has a density of 3.9 units per acre;
- Addition is modest in size, only occupying an additional ~ 118 net square feet of the rear yard;
- Abutting Scottsdale North Lot 14, to the north is Lot 29 Villa Del Oro. Though an R4-R with TWICE as stringent code of ordinance (yard depth of 30-feet), its' 4-foot yard depth approval abuts the same R-43 community as the subjects 5-foot yard depth request (see Exhibit H, Lot 29 Villa Del Oro building permit);
- Abutting Scottsdale North to the north, is Lot 40 Villa Del Oro. Though an R4-R with TWICE as stringent code of ordinance (yard depth of 30-feet), its' ~ 2-foot yard depth approval abuts Scottsdale North (see Exhibit H-1, Lot 29 Villa Del Oro building permit and Exhibit B-1, May Scottsdale eservices).

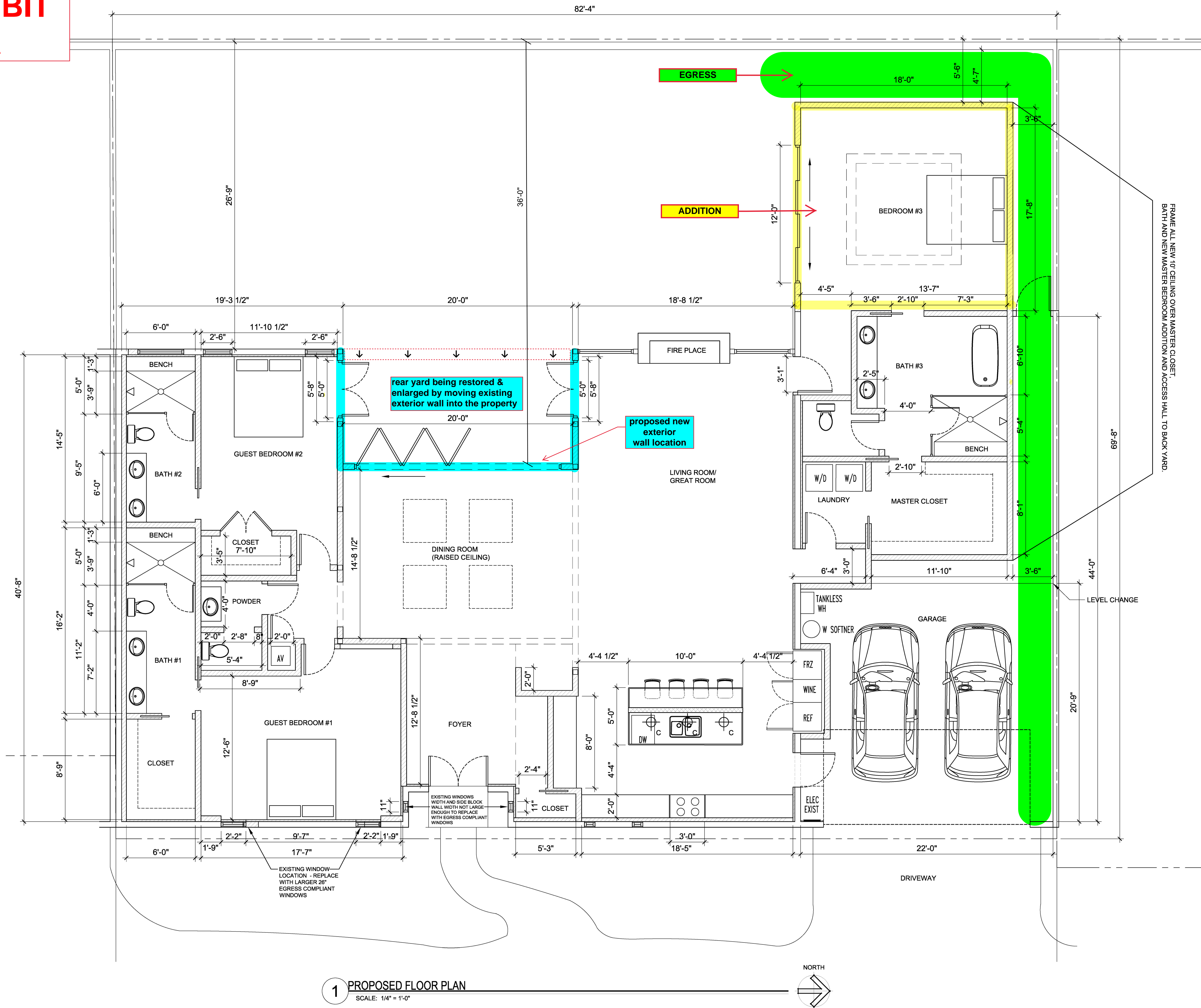
In advance, thank you for your consideration.

Daniel Mayer, Trustee
949-706-0201

Attachments:

Exhibit A, Proposed Floor Plan
Exhibit B, Plat Map – Scottsdale North
Exhibit B-1, Map from Scottsdale eservices with yard depths less than code of ordinance
Exhibit C1, Lot 11 Notice of No Objection
Exhibit C2, Lot 13 Notice of No Objection
Exhibit D, Lot 14 Maricopa County Assessor sketch
Exhibit D-1, Lot 6 Maricopa County Assessor sketch
Exhibit D-2, Lot 7 Approved Building Permit
Exhibit D-3, Lot 15 Maricopa County Assessor sketch
Exhibit D-4, Lot 18 Maricopa County Assessor sketch
Exhibit E, Map from City of Scottsdale eservices
Exhibit F, Lot 493 Maricopa County Assessor sketch
Exhibit G, Lot 13 Scottsdale North BOA minutes
Exhibit G-1, Lot 13 Scottsdale North Approved Building Permit
Exhibit H, Lot 29 Villa del Oro permit
Exhibit H-1, Lot 40 Villa del Oro permit
Exhibit I, Lots with Yard Depth Comparison

EXHIBIT
A



1 PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'-0"

RUN RUN DESIGN
3334 N. 20TH STREET PHOENIX, AZ 85016
RUNRUNDESIGN.COM

PROJECT NAME AND LOCATION :

M A Y E R
R E S I D E N T I A L
A D D I T I O N

5648 N. SCOTTSDALE RD.
PARADISE VALLEY 85253

THIS DRAWING AND ITS CONTENTS ARE CONSIDERED INSTRUMENTS OF SERVICE.
AS SUCH THEY ARE COPYRIGHTED PROPERTY OF RUN RUN DESIGN, LLC. THE USE
OF THESE DRAWINGS ARE LIMITED TO THIS SPECIFIC PROJECT AND ARE NOT TO BE
OTHERWISE REPRODUCED IN ANY WAY OR USED FOR SUPPLEMENTAL LOCATIONS
WITHOUT WRITTEN PERMISSION FROM RUN RUN DESIGN, LLC.

DRAWING REVISIONS:

no.	distribution	date
A	-	-
B	-	-
no.	revision	date
1	-	-

SHEET NAME:

PROPOSED FLOOR PLAN

project no:

dwg no:

SD-5

SCOTTSDALE NORTH

A SUBDIVISION OF A PORTION OF THE N.E. 1/4, S.E. 1/4, N.E. 1/4, SEC. 15
T-2-N., R-4-E., G.&S.R.B. & M., MARICOPA COUNTY, ARIZONA

**EXHIBIT
B**

206585

STATE OF ARIZONA
County of Maricopa
I hereby certify that the within instrument was filed and recorded at request of
CITY OF SCOTTSDALE
DEC 5 '68-9-15
in Book 131
on page
... my hand and official seal the day and year aforesaid.
Clifford M. Hall
County Recorder
By E. G. Gable
Deputy Recorder

121-7

UNSUBDIVIDED

— DEDICATION —

KNOW ALL MEN BY THESE PRESENTS:

That Madison Investments Corporation, an Arizona Corporation, as Owner and Continental National Bank, a National Banking Association, as Mortgagee, have subdivided under the name of SCOTTSDALE NORTH, a portion of the N.E. 1/4, S.E. 1/4, N.E. 1/4, Sec. 15, T-2-N., R-4-E., G.&S.R.B. & M., Maricopa County, Arizona, as shown platted hereon and hereby publishes this plat as and for the plat of said SCOTTSDALE NORTH and hereby declares that said plat sets forth the location and gives the dimensions of the lots, tract and street constituting same and that each lot, tract and street shall be known by the number, letter or name given to each respectively on said plat and hereby dedicates to the public for roadway use as such, that portion of Scottsdale Road not previously dedicated, as shown on said plat and included in the above described premises. There is hereby granted over that portion of the premises identified as Tract "A", an easement for public utilities, for emergency and refuse collection vehicles access only, and to the uses shown in the Declaration of Covenants, conditions and restrictions for Scottsdale North to be hereafter recorded. Tract "A" is not otherwise dedicated to the public for its use.

IN WITNESS WHEREOF:

Madison Investments Corporation, an Arizona Corporation, as owner, has caused its corporate name to be signed and its corporate seal to be affixed by the undersigned officer thereunto duly authorized.

Dated this 21st day of November, 1968.

MADISON INVESTMENTS CORPORATION

By: Elden M. Stenjem, Jr.
President

Attest: Julius E. M. Ammon
Secretary

— ACKNOWLEDGMENT —

State of Arizona
County of Maricopa

Before me this 21st day of November, 1968, personally appeared Elden M. Stenjem, Jr., who acknowledged himself to be the President of Madison Investments Corporation, an Arizona Corporation, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the Corporation, by himself as such officer.

My commission expires Oct. 31, 1969

Margaret H. Paddicks
Notary Public

IN WITNESS WHEREOF:

Continental National Bank, a National Banking Association, being the Mortgagee under that certain realty mortgage dated August 6, 1968 and recorded August 14, 1968 in Dkt. 1212, Page 597, of Records of the Recorder of Maricopa County, Arizona, wherein Madison Investments Corporation, is Mortgagee, hereby consents to the filing of this Map of Subdivision and to the dedications contained herein and hereby releases the lien of said mortgage from such portions of the property described herein as are dedicated to public use.

Dated this 26th day of November, 1968.

CONTINENTAL NATIONAL BANK

By: [Signature]
President

Attest: [Signature]
Secretary

— ACKNOWLEDGMENT —

State of Arizona
County of Maricopa

Before me this 26th day of November, 1968, personally appeared J. E. Besham, who acknowledged himself to be the President of Continental National Bank, a National Banking Association, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the Bank, by himself as such officer.

My commission expires Oct. 14, 1972

Nancy M. Fuller
Notary Public

CERTIFICATION

This is to certify that the survey and subdivision of the premises described and platted hereon, was made under my direction during the month of Oct., 1968.

Ronald F. Callan 10/24/68
Registered Civil Engineer Date

12-2-68
Date

12-3-68
Date

RANCHOS PEQUEÑOS BK. 50, PG. 50, M.C.R.

APPROVAL

Approved on the Board of the City of Scottsdale, Arizona,
this 5th day of November, 1968.

By: [Signature]
Mayor

Thereby certify that this plat substantially conforms to the approved preliminary plat.

[Signature]
Planning Director

Thereby certify that the survey and subdivision of the premises described and platted hereon, was made under my direction during the month of Oct., 1968.

Daniel C. Gandy
City Engineer

Collar, Williams & White Engineering, Inc.

2922 N. 70TH ST.
SCOTTSDALE, ARIZONA
JOB NO. 680905

121-7

SURROUNDING PROPERTIES WITH PERMITTED YARD DEPTHS LESS THAN CODE OF ORDINANCE

EXHIBIT
B-1

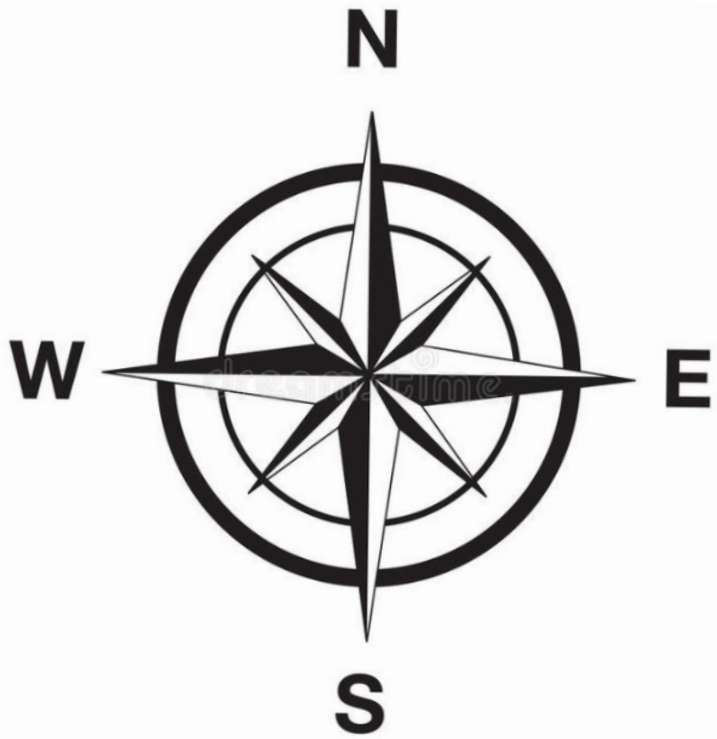
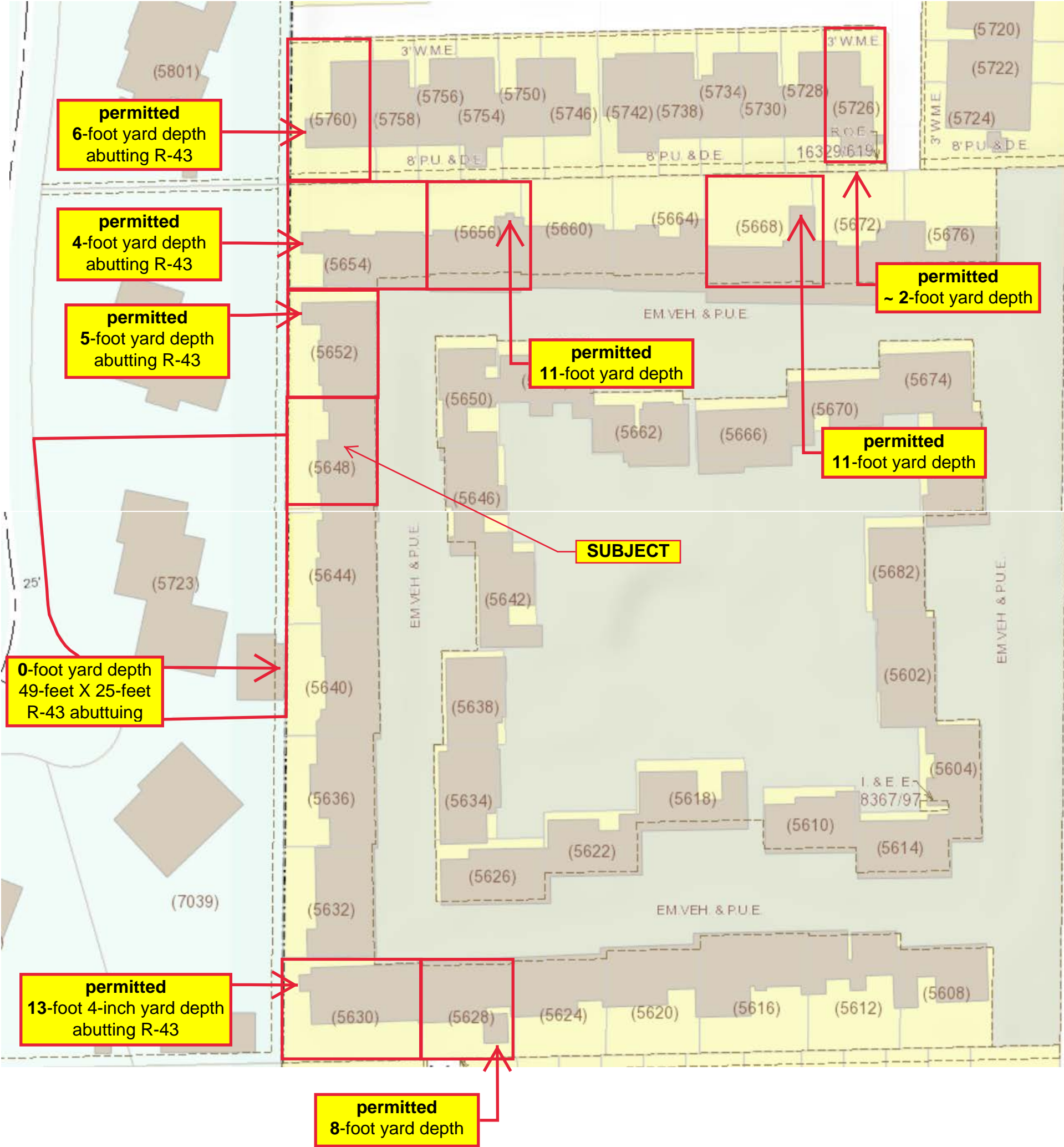


EXHIBIT C-1

From: Kellie Pierce
Sent: Saturday, July 25, 2020 10:24 AM
To: dan.mayer@outlook.com
Subject: Re: 5648 SN proposed addtion

Hello Dan,

Troy and I are excited to have another remodeled with an addition to the neighborhood of Scottsdale North. We are not concerned of any addition blocking our view of any sort. We have the view of our back yard orange trees and the camel back mountains. Look forward to enjoying some cocktails and a tour of your vacation home someday.

Kind Regards
Kellie

-----Original Message-----

From: Dan Mayer <dan.mayer@outlook.com>
To: piercecrna@aol.com <piercecrna@aol.com>
Sent: Sat, Jul 25, 2020 9:55 am
Subject: 5648 SN proposed addition

Good morning Kellie!

Hope all is well in North Dakota! Austin has been ridiculously hot and humid for 5 straight weeks with no rain.

We are making some progress with our (lot 12) vacation home remodel and addition next door to yours (lot 11) in Scottsdale North. During our Pre-Application conference call with Scottsdale Planning yesterday, someone brought up the concern of my addition potentially blocking your view. Therefore, it was suggested I ask you to take a look at my *Proposed Floor Plan*.

At your earliest convenience, please take a look at the attached Exhibit A, Proposed Floor Plan. Highlighted in yellow is our proposed addition. If you would, please reply to this email with any questions you may have regarding the addition we are proposing. If you don't have any question, I ask you please reply with a few short words of support of our proposed addition specifically addressing the "view" concern.

Thanks much!

Dan Mayer
949-706-0201

Attachment:
Exhibit A, Proposed Floor Plan

EXHIBIT C-2

From: Tom Georgouses
Sent: Saturday, July 25, 2020 1:39 PM
To: Dan Mayer
Cc: Tom Georgouses
Subject: RE: 5648 SN proposed addition

Good Morning and Congratulations,

Your plans look great, we have no objections, we wish we had access to our backyard through the garage.

One place where the Board might give you pushback is the new egress windows in the front, they want to keep them as narrow as possible, Arcadia glass makes a window that takes a 24" rough opening not 26" like the couple to the south did they then filled in part of the rough opening with cement, which looks like an afterthought.

Take care have a good weekend.

Thank you,

Tom Georgouses
G4 Builders, LLC

Cell: 310.261.2512
Direct: 602.663.9468
Fax: 623.242.0619



15455 N. Greenway Hayden Loop
Suite C-21 Scottsdale, AZ 85260
tom@g4b.com
www.G4B.com

From: Dan Mayer <dan.mayer@outlook.com>
Sent: Saturday, July 25, 2020 7:51 AM
To: Tom Georgouses <tom@G4B.com>
Subject: 5648 SN proposed addition

Good morning Tom!

Hope all is well in Cali! It continues to be ridiculously hot and humid here in Austin since we last texted.

We are making some progress with our (lot 12) vacation home remodel and addition next door to yours (lot 13) in Scottsdale North. During our Pre-Application conference call with Scottsdale Planning

yesterday, someone brought up the concern of my addition potentially blocking your view. Therefore, it was suggested I ask you to take a look at my *Proposed Floor Plan*.

At your earliest convenience, please take a look at the attached Exhibit A, Proposed Floor Plan. Highlighted in yellow is our proposed addition. Our proposed addition is nearly identical to the bedroom addition on your property. The biggest difference between our proposed addition and the addition on your property is we are proposing ours be 3' – 8" setback from our common garden wall (fence) for egress. If I'm not mistaken, your addition abuts directly to the common block garden wall abutting lot 14 to your north. If you would, please reply to this email with any questions you may have regarding the addition we are proposing. If you don't have any question, I ask you please reply with a few short words of support of our proposed addition specifically addressing the "view" concern.

Thanks much!

Dan Mayer
949-706-0201

Attachment:
Exhibit A, Proposed Floor Plan

Sent from Mail for Windows 10

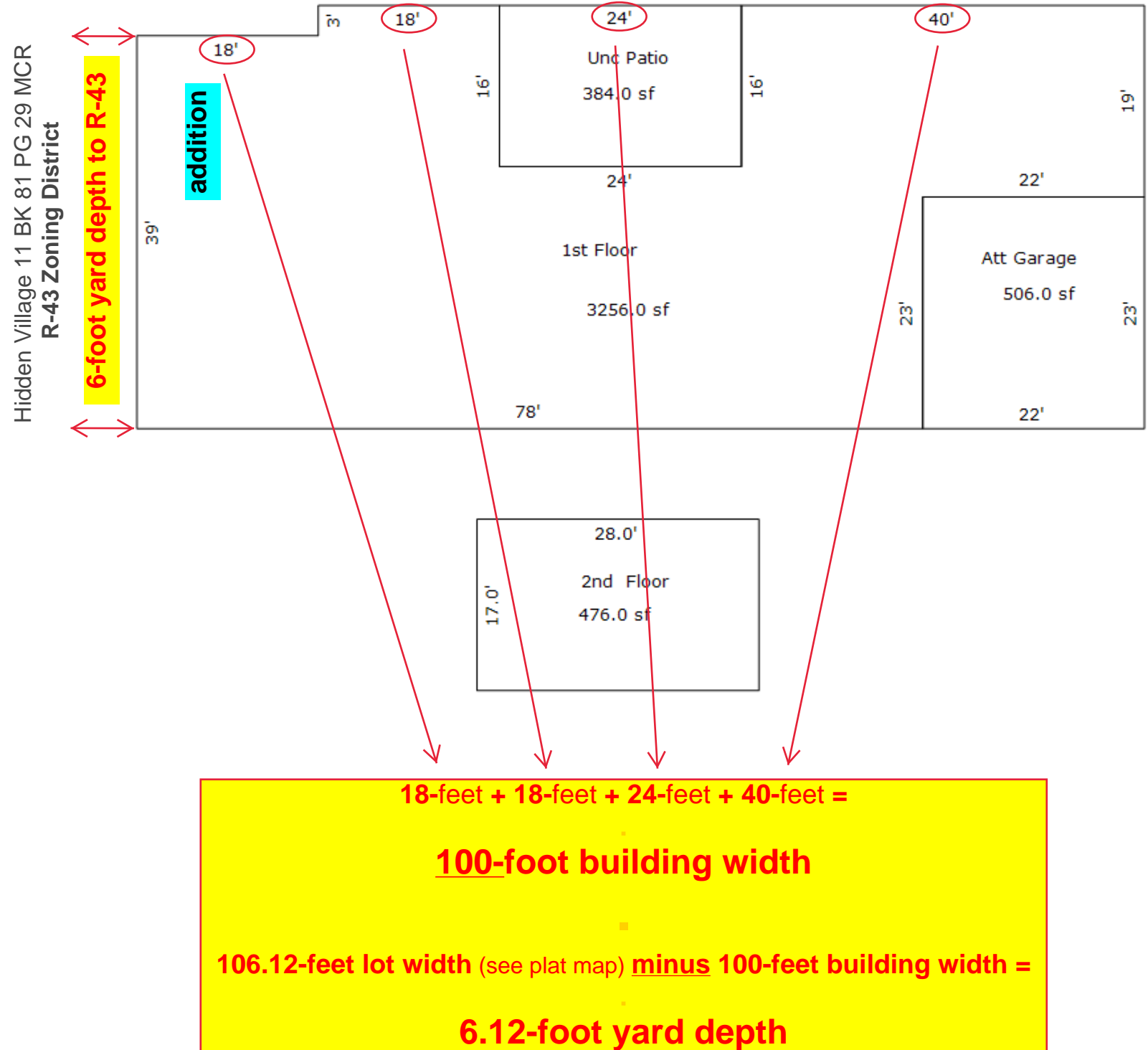
Maricopa County Assessor Sketch
Lot 14 (5654 N Scottsdale Rd)

**EXHIBIT
D**

<https://mcassessor.maricopa.gov/sketch.php?a=17313064&p=1>

7/20/2020

Sketch Viewer: 17313064 | Page: 1



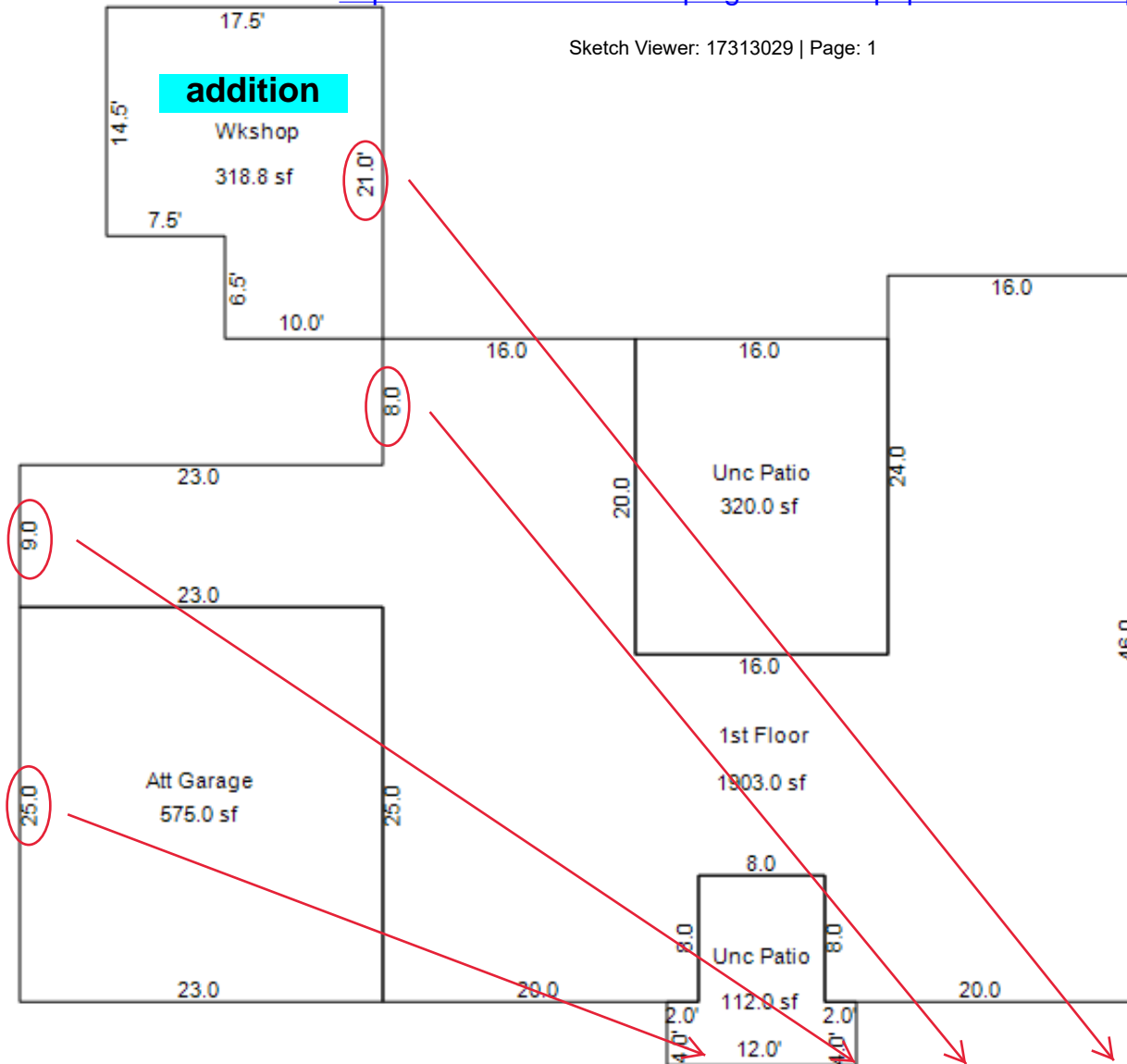
Maricopa County Assessor Sketch
Lot 6 (5628 N Scottsdale Rd)

7/26/2020

<https://mcassessor.maricopa.gov/sketch.php?a=17313029&p=1>

**EXHIBIT
D-1**

Sketch Viewer: 17313029 | Page: 1



$$25\text{-feet} + 9\text{-feet} + 8\text{-feet} + 21\text{-feet} =$$

63-foot building depth

$$71\text{-feet lot depth (see plat map) minus } 63\text{-feet building depth} =$$

8-foot yard depth

Application to Construct - Repair - Demolish
and for Certificate

006691

City of Scottsdale

EXHIBIT
D-2

1 LEGAL DESCRIPTION	LOT 7
SUBDIVIS	

PERMIT NO.

Scottsdale North

OCT 9 9 24 AM '70

2 BUILDING ADDRESS
5630 N. Scottsdale Rd

3 USE OF NEW BUILDING
Storage

ZONE R-A
FIRE DISTRICT 3

4 PRESENT USE OF EXISTING BUILDING
Residential

5 NEW USE OF EXISTING BUILDING

INSIDE LOT <input type="checkbox"/>
CORNER LOT <input type="checkbox"/>
SIDE YARDS

6 OWNER'S NAME
Arthur Klein

7 OWNER'S ADDRESS
1504 N 40th Street, PV

LOT SIZE

8 ARCHITECT PHONE ENGINEER PHONE

9 CONTRACTOR Westview Const Corp LICENSE NO. 22560 PHONE 945-1350

10 CONTRACTOR'S ADDRESS 2251 E. Vista Dr Scottsdale SCOTTSDALE BUS. LICENSE NO.

11 SIZE OF NEW BUILDING 10' x 15' 8"	SIZE OF EXISTING BUILDING 42' x 82' 8"	HEIGHT 10' 8"	STORIES 1
---	---	------------------	--------------

12 MATERIAL: <input type="checkbox"/> WOOD <input type="checkbox"/> METAL <input checked="" type="checkbox"/> CONC. BLOCK	ROOF: <input checked="" type="checkbox"/> WOOD <input type="checkbox"/> STEEL	ROOFING
EXT. WALLS: <input type="checkbox"/> STUCCO <input type="checkbox"/> BRICK <input type="checkbox"/> CONCRETE	CONST: <input type="checkbox"/> CONCRETE	Built up

13 VALUATION \$1800	DWELLING UNITS
------------------------	----------------

14 SIZE OF ADDITION 10' 0" x 15' 8"	STORIES 1	HEIGHT 10' 8"	PARKING SPACES 0
--	--------------	------------------	---------------------

If permission to occupy street or alley during construction is granted, the occupant thereby agrees to promptly carry out all laws governing same, and to hold the City harmless from any costs, damages or claims.

APPROVED
T. Scheele
OCT 9 1970

OCCUPANCY 1	TYPE BUILT UP
----------------	------------------

The issuance of this permit shall be subject to the inspector of the manifested technical specifications, if thereafter it can be shown to conflict with any portion of the ordinance or any law done in conformity with the laws of the State of Arizona.

106-foot lot width (see Exhibit B, Plat Map)
- 82-foot 8-inch existing building width
- 10-foot addition per approved permit
= 13-foot 4-inch remaining side yard depth

SIGNED [Signature] OWNER, ARCHITECT, CONTRACTOR

P. C. DATE 10-9-70
12-BA-2020

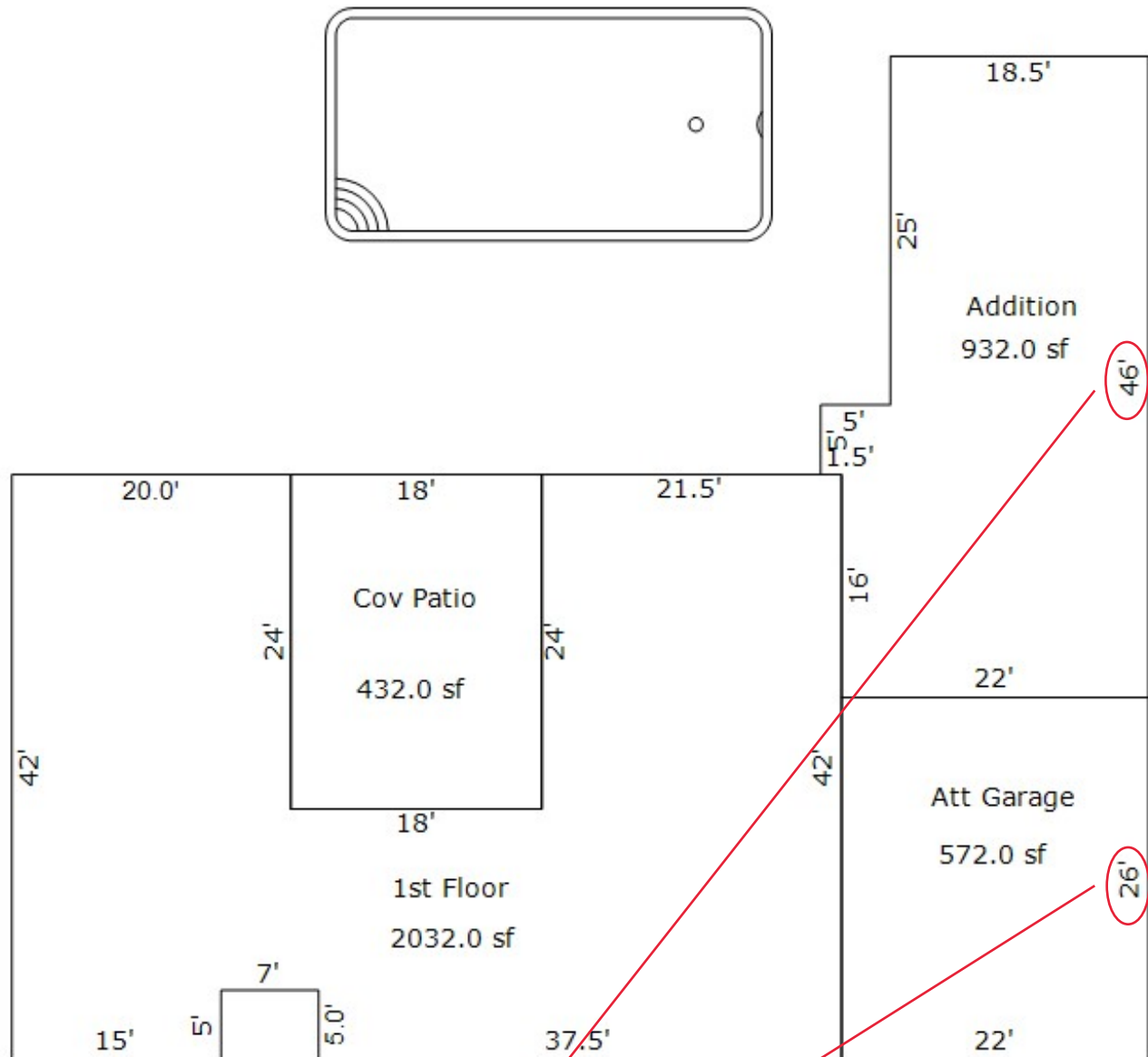
THIS FORM WHEN PROPERLY SIGNED AND VALIDATED IS A PERMIT TO DO THE WORK DESCRIBED

07/31/20

EXHIBIT D-4

Maricopa County Assessor Sketch Lot 18 (5668 N Scottsdale Rd)

<https://mcassessor.maricopa.gov/sketch.php?a=17313068&p=1>



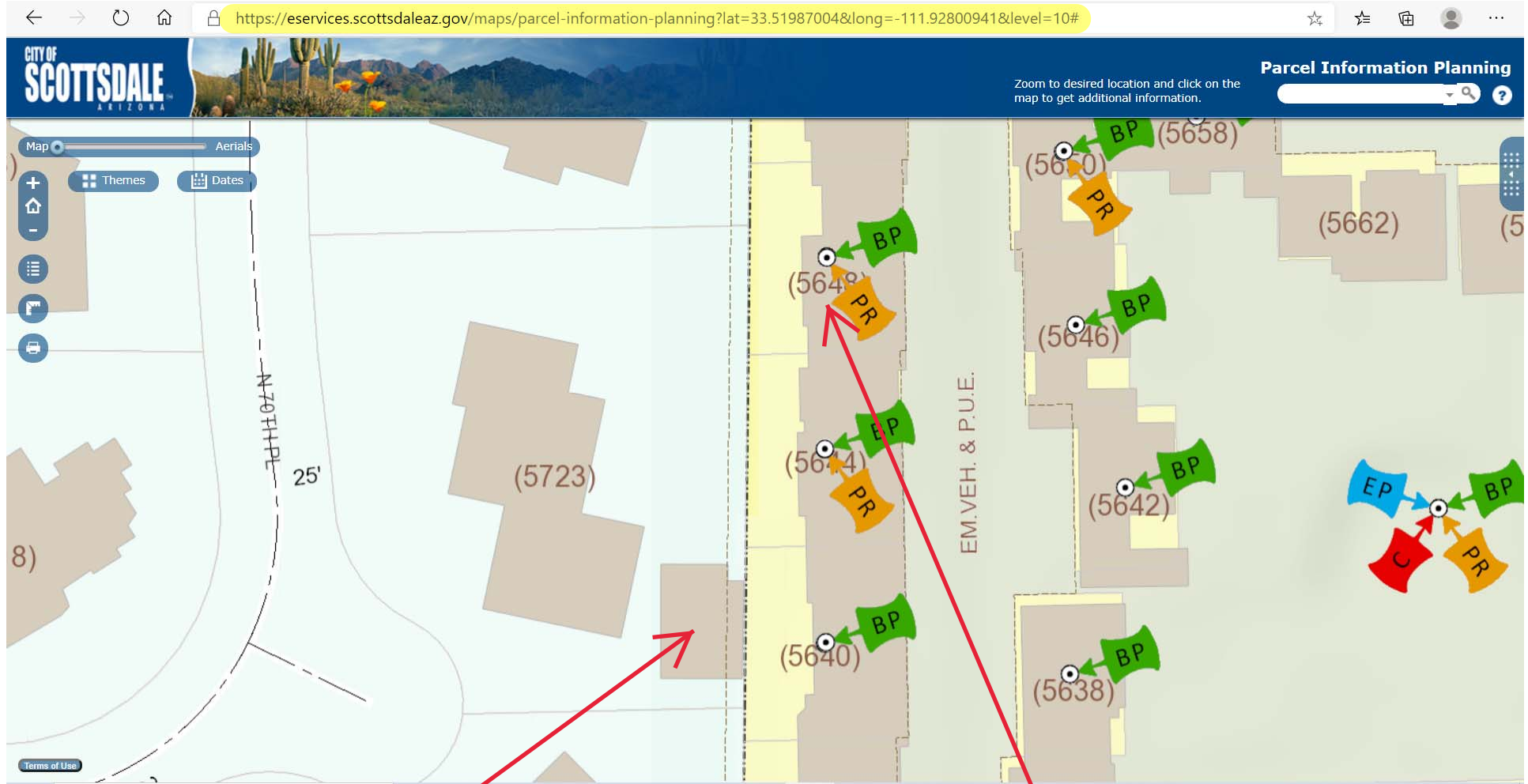
$$46\text{-feet} + 26\text{-feet} =$$

72-foot building depth

$$83\text{-feet lot depth (see plat map) minus } 72\text{-feet building depth} =$$

11-foot yard depth

EXHIBIT E



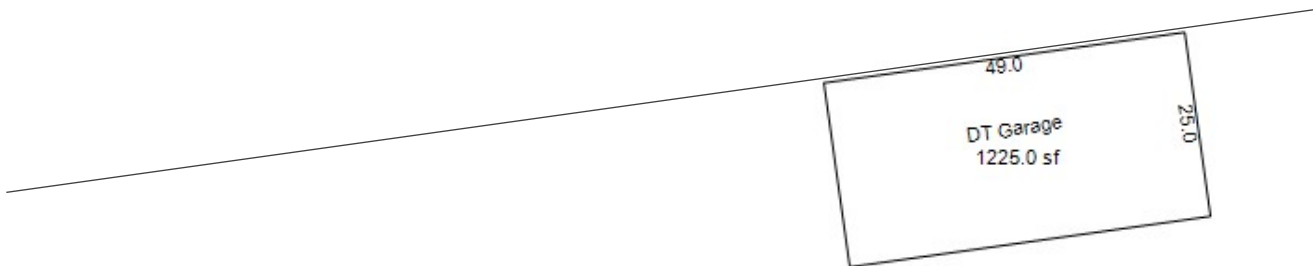
ZERO-FOOT YARD DEPTH
Abutting R-43 detached garage with zero-foot yard depth

See Maricopa County Assessor sketch for 49-foot by 25-foot dimensions (Exhibit F)

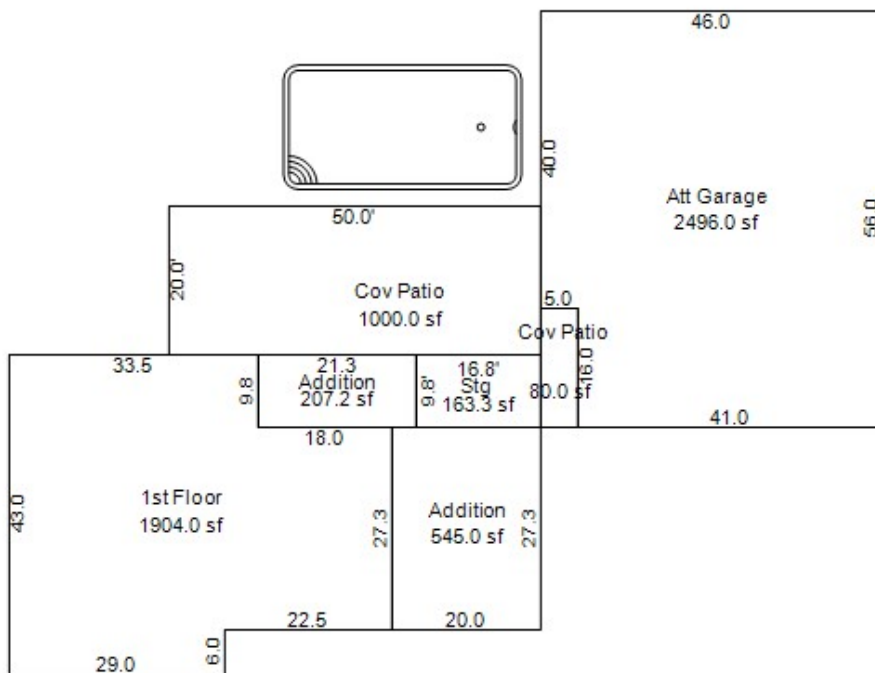
Subject

EXHIBIT F

<https://mcassessor.maricopa.gov/sketch.php?a=17313016&p=1>



Lot 493 Hidden Village Eleven



MINUTES
SCOTTSDALE BOARD OF ADJUSTMENT
MAY 19, 1982

The regular meeting of the Scottsdale Board of Adjustment was called to order by Chairman Bill Rummer at 8:00 p.m., Wednesday, May 19, 1982, at Scottsdale City Hall.

Roll Call:

Present: Chairman Bill Rummer
Ferd Brand
Joyce Hall

Tony Raineri
Helene Zeeveld
Matt Ringer

Absent: Bill Mack

Staff: Robert Gahl, Betty McCready, Brian O'Donnell

Mrs. Hall moved that the minutes of May 5, 1982, be approved. Mr. Ringer seconded the motion and it was passed 6-0.

Chairman Rummer explained to the applicants that the Board was missing a member and that any applicant wishing to have his case heard by the full Board could have his case continued to the next regular meeting.

OLD BUSINESS:

Case 29-BA-82 - Setback NW corner Hayden & Osborn (National Convenience Stores)

The applicant requested a variance to maintain a rear yard of 15' in lieu of the 25' required and to maintain a north side yard of 10' in lieu of the 25' required.

Mr. Gahl explained that the applicant is requesting two (2) setback variances from the abutting R-5 zoned Sunscape Apartments in order to construct a Shop-N-Go market in a C-1 land zone. This would mean a variance of 10' on the north side and 15' on the west side of this project.

The staff feels the variance requested should only be approved if the adjacent property owner concurs with the request since his property would be the one affected. Because the staff is unaware of the position of the adjacent property owner it recommends denial of the variance.

Mr. Nat Stevens appeared before the Board to represent the applicant. Mr. Rummer stated he had received the authorization letter from Mr. Bertsch giving Mr. Stevens permission to act on his behalf.

Mr. Stevens submitted letters to the Board from the the Sunscape Apartments and the owners of the Conti Club House stating their positions on the proposal.

Mrs. Zeeveld asked Mr. Stevens if there would be any way the store could be built without the variance. He replied that the variance is needed to allow the store to furnish gasoline pumps as part of the service they wish to offer and that they would not build the store without gasoline.

Mrs. Hall inquired as to what plans had been made for the buffer zone to shield the operation of the store from nearby apartments. Mr. Stevens stated his company would comply with any recommendations put forth by the City of Scottsdale in relation to landscaping or any special roof treatment required.

Mr. Rummer asked how close the apartments would be to the west property line. Mr. Stevens thought 10 feet would be the approximate distance. Mr. Rummer was concerned that those apartments facing this proposed store would be difficult to rent and would have a high turnover rate. Mr. Stevens felt that the air conditioning unit for the roof could be concealed in such a fashion that the neighboring apartments would be unable to see it.

Mr. Brand wanted a clarification by the Board on what they meant by major trees to be used in screening. It was stated that this would be construed to mean trees of 25 gallons or more. He also wanted it understood that sufficient numbers of trees would be used for screening so that when grown the trees would form a hedge effect when viewed from the apartment side.

Mr. Ringer inquired of Mr. Stevens as to the proposed hours of operation of this Shop-N-Go. Mr. Stevens said he thought it would be an 18 hour or 24 hour operation at this particular location.

Mr. Victor Pickering appeared on behalf of the owner of the Sunscape Apartments. He objected to the application on three points: 1) That the 25' setback should be maintained according to the ordinance. 2) A concern that the area around a store operating 24 hours 7 days a week would have an enormous amount of congestion affecting the general appearance of the apartments and surrounding neighborhood. 3) The 24 hour commercial activity so close to the apartments would be disruptive to the residents.

Mr. Gahl pointed out to the Board that if this proposal was approved that any architectural screening and landscaping would have to be approved by the Development Review Board.

Mr. Brand moved that the variance be denied. Mr. Ringer seconded and the motion failed on a 3-3 vote. Mrs. Hall then moved that the variance be approved with the stipulations that the area along the western lot line be filled with

mature trees of 25 gallons or larger and that the roof would be tiled and angled in such a way that the roof-mounted air conditioning unit would be placed on the far side of the angle and would therefore be blocked from the view of the windows of the apartments. This variance was denied 3-3.

NEW BUSINESS:

Case 33-BA-82 - Parking 4228 N. Scottsdale Road (San & Reva Ostrov/Henry Fireman)

The applicant is requesting a variance of 5 parking spaces. Scottsdale Zoning Ordinance requires 1 parking space for each 50 sq. ft. of indoor public floor area and 1 parking space for each 200 sq. ft. of floor area in a commercial building. Amount of variance: 5 parking spaces at 4228 N. Scottsdale Road, City of Scottsdale. The staff recommended denial of this variance because a parking study conducted by the Chamber of Commerce indicated a serious parking deficiency already existing in this area.

Mr. Anis Mitchell appeared before the Board to represent the applicant. Mr. Rummer requested that the applicant submit a letter authorizing Mr. Mitchell to act on his behalf. Mr. Mitchell agreed that the letter would be delivered on May 20, 1982 so authorizing him.

Mr. Mitchell amended the variance request to 3 parking spaces because additional food preparation area was required for this restaurant therefore reducing the public floor area.

Mr. Mitchell also pointed out that part of the business would be take out and that would reduce the number of spaces needed for parking. He used a clear positive to orient the Board with the layout of the property inside and out, pointed out the nonpublic use areas as office space, bathrooms, serving and preparation areas. After remodeling they found there is only 794 sq. ft. of public use area. The building would need 23 parking spaces to accommodate the restaurant and the other tenant, Alpha Graphics. They have 15 spaces for Alpha Graphics, three spaces for the restaurant in front of the building, 8 in the rear, and the Scottsdale Parking Improvement District immediately west has 196 parking spaces, 9 of which are allotted for their use. This leaves the building short 3 parking spaces.

Mr. Mitchell stated that the deli he represents in Tempe made a study which indicated that 35 to 40 percent of their business was carry out. He estimated that if 25 percent of the business in Scottsdale was take out then parking would be sufficient. He also added that this deli had had its liquor license approved to be sent to the liquor control board. Mr. Mitchell had made an informal study of the public parking area and found that even at its busiest times there was ample parking available. He found the parking lot to be 70 percent occupied in winter and 50 percent occupancy from April to October.

Mrs. Zeeveld inquired as to the turnover rate of the building and if the turnover had anything to do with the parking problem. Mr. Mitchell disagreed that the turnover was frequent and then pointed out that the deli owners had bought the entire building.

Mr. Rummer stated his concern that in the past variances had been granted to restaurants and the establishments have not come to pass. He wanted a stipulation to the effect that the variance would exist on the restaurant so long as the deli was in operation in functionally the same conditions as that being discussed rather than on the building. Mr. Mitchell couldn't see any problem with that stipulation.

Mr. Brand wanted to know if the staff agreed with the amended variance of from 5 spaces to 3 spaces and Mr. O'Donnell answered affirmatively.

Mr. Raineri inquired as to the expected percentage of the business being take out and Mr. Mitchell explained that he estimated a low figure of at least 25 percent.

Mr. Rummer asked about the possibility of reducing the number of booths for seating in the establishment to encourage take out and Mr. Mitchell pointed out that his client felt there should be adequate seating for 40 people inside as well as the take out business.

Mr. Brand clarified the statement as to 60 percent of the business being sit down the other 40 percent being take out and that the 60 percent would have more than enough parking available.

Mrs. Zeeveld moved that the variance be granted as requested for the 3 spaces with the stipulation that the variance carries only as long as the business operates. Mrs. Hall seconded the motion which carried 6-0.

Case 34-BA-82 - Sign Villa Monterey Country Club (Lorbel Dev. U.S. Ltd.)

The applicant is requesting to raise a sign and logo to a height of 6'9". Scottsdale Zoning Ordinance requires a sign not to exceed 5'0" from a city sidewalk. Amount of variance requested: raise sign 21" at Villa Monterey Country Club, City of Scottsdale.

Mr. Gahl stated that the staff recommended approval of the variance since in this case the planter and landscaping around the sign serve to nullify the extra height of the sign.

Mr. Jack Wellman appeared to represent the property owner, Lorbel Developments. Mr. Rummer stated he had received the authorization letter.

Board of Adjustment - May 19, 1982

Page 5

No questions were asked of Mr. Wellman.

Mr. Brand moved that the variance be granted as requested and Mrs. Zeeveld seconded. The motion carried 6-0.

Case 35-BA-82 - Setback 5652 N. Scottsdale Road (Pearl Pegler)

Applicant is requesting a variance to reduce rear yard setback from 15 ft. to 5 ft. Scottsdale Zoning Ordinance requires a rear yard setback of 15 ft. shall be maintained for single family structure when an R-4 development abuts a R-1 district. Amount of variance: 10 ft. at 5652 N. Scottsdale Road, City of Scottsdale.

Mr. Gahl stated that the applicant wishes to construct an addition to her home 10 ft. into the required rear yard. A wall between the adjacent neighbor's houses and the applicant's already exists. An on-site inspection indicates that the addition wouldn't be very noticeable to a neighbor or the public in the Scottsdale North subdivision so the staff recommends approval of the variance as requested.

Jerry Kadansky appeared on behalf of Mrs. Pegler. His letter of authorization had been previously received by the Board.

No questions were asked of the staff or Mr. Kadansky.

Mrs. Zeeveld moved the variance be granted as requested. Mr. Ringer seconded the motion which carried 6-0.

Case 36-BA-82 - Floor Area 4235 N. Marshall Way (C.G. Rein)

This case was continued to June 2, 1982.

Case 37-BA-82 - Sign NW corner of 96th & Shea (S. Cal District Lutheran Church)

The applicant wishes to install a development sign that would contain information directing the public to the place where church services are being held during new church construction.

The sign ordinance prohibits off-premise signs. Also, a development sign is supposed to be used to provide information for the public to contact the developer.

The staff recommends denial of the variance based on the ordinance and because they believe the proposed sign contains too many words and would be difficult to read by passing motorists and would be distracting to traffic safety.

Reverend Eugene A. Byer, pastor of the church, was in attendance to present the case. Mr. Byer pointed out that the Scottsdale Executive Office Park where the congregation is now meeting will not allow a sign to be placed in front of it advertising the church times and meeting place except from 9-11 a.m. on Sunday. He therefore felt it necessary that the information

Board of Adjustment - May 19, 1982

Page 6

be placed on a sign at the permanent site. He felt even with current interest rates the congregation would not be placed in the permanent building on the site within a year and the sign would not be permanent. Mr. Byer also agreed that the sign was too wordy and agreed to reduce the wording.

Mr. Brand expressed his concern that passing motorists would cause an unsafe traffic condition in slowing down to read all the information on the sign.

Mr. Byer stated that the sign would be placed back approximately 40 feet and would primarily address those motorists stopped at the light on 96th.

Mr. Rummer asked for a clarification that the sign would be 4' x 8' on one sheet of plywood. Eight feet long, left to right, and four feet high, top to bottom.

Mr. Brand moved for approval of the variance with a reduction of words agreed upon by the Board on the submitted drawing by Mr. Byer at the meeting. Second was made by Mrs. Hall with the motion carrying 6-0.

Case 38-BA-82 - Lot Area 6401 E. Camelback (U.S. Life Title)

Applicant is requesting to maintain net lot area of less than the required 35,000 sq. ft. on three lots. Lot #1 32,941 sq. ft., Lot #2 33,139 sq. ft., Lot #3 33,138 sq. ft. Scottsdale Zoning Ordinance requires a minimum lot area of 35,000 sq. ft. Amount of variance: Lot #1 2,059 sq. ft., Lot #2 1,861 sq. ft., Lot #3 1,862 sq. ft. at 6401 E. Camelback Road, City of Scottsdale.

Mr. Gahl stated the applicant is requesting approval to reduce the minimum lot area from 35,000 sq. ft. to approximately 33,000 sq. ft. for 3 lots in an R1-35 land zone. Street dedications have reduced the size of the lots from the 35,000 sq. ft. required. The staff recommended approval of the variance.

No questions were asked of Mary M. Olshan, the applicant.

Mr. Brand moved to grant the variance as requested. Mrs. Zeeveld seconded the motion which then carried 6-0.

MISCELLANEOUS:

Case 25-BA-82 - Parking - 4201 North Marshall Way (Arnold & Elaine Horwitch)

Mr. Brand moved for a review of this case to be heard on June 2, 1982. Mrs. Zeeveld seconded and the motion carried 6-0.

Board of Adjustment - May 19, 1982

Page 7

Chairman Rummer adjourned the meeting at 9:25 p.m.

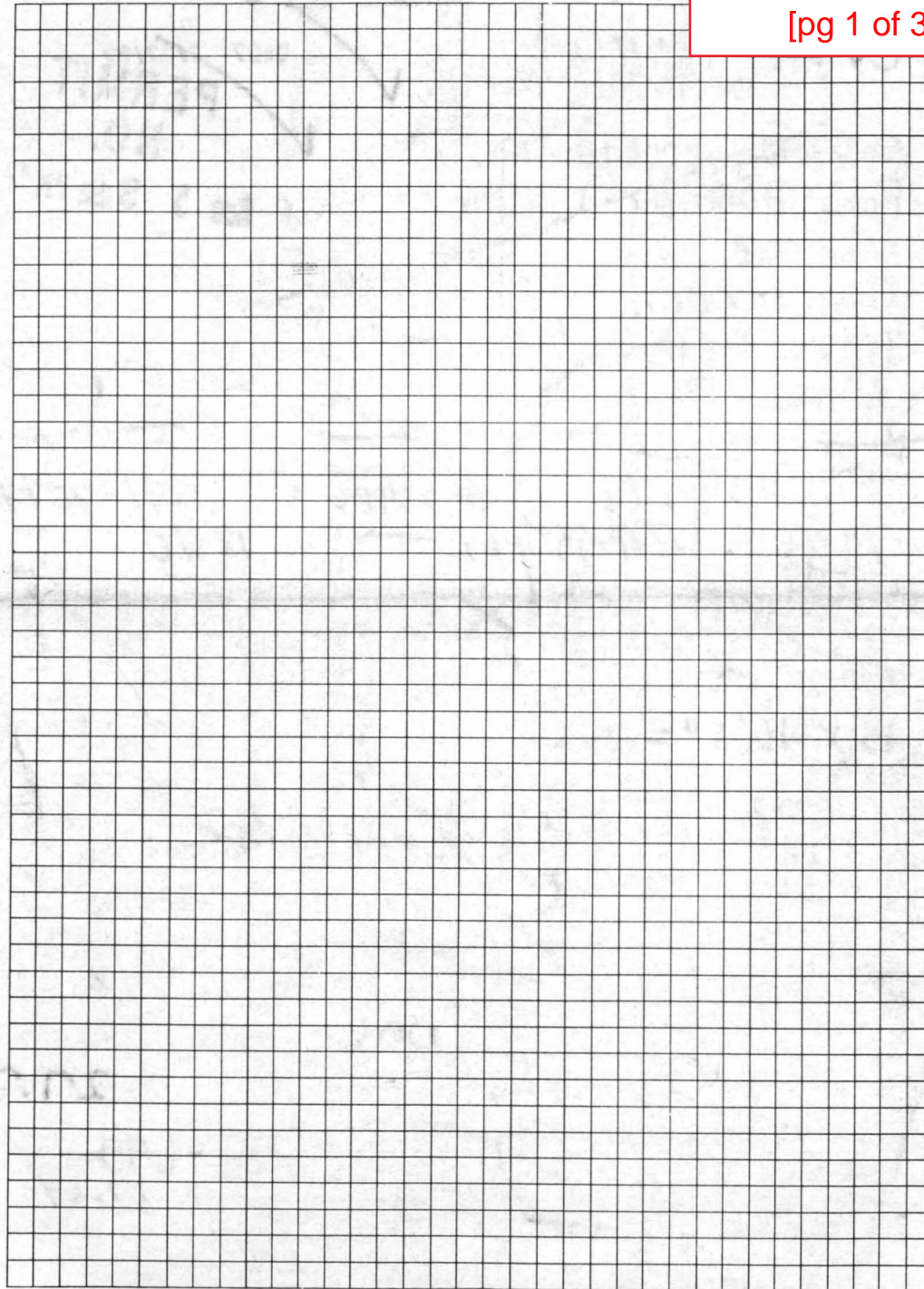
Respectfully Submitted,



Susan S. Lightfoot
for Robert Gahl, Director
Building Inspection Division

PLOT PLAN

Show Location of Proposed Building
and Every Existing Building on Property

**EXHIBIT****G-1**

[pg 1 of 3]

**Application to Construct - Repair - Demolish
and for Certificate of Occupancy**

City of Scottsdale

Division of Building Inspection

1. LOT NO. / BOOK NO. / MAP NO. / PARCEL NO. 131/121 PG. 7 0407		PERMIT NO.	
SUBDIVISION & LEGAL DESCRIPTION Scottsdale North. ✓			
2. BUILDING ADDRESS 5652 N. Scottsdale Rd. ✓			
3. USE OF NEW BUILDING Room Addition - Livable		ZONE Aug 5 3:32 PM '02	
4. PRESENT USE OF EXISTING BUILDING Residence		PARKING SPACES	
5. NEW USE OF EXISTING BUILDING Room Addition		INSIDE LOT <input type="checkbox"/>	
6. OWNER'S NAME Pearl Peeler		CORNER LOT <input type="checkbox"/>	
7. OWNER'S ADDRESS Same		ZIP CODE	
8. ARCHITECT	PHONE	ENGINEER	PHONE
9. CONTRACTOR Jerry Adamstuy	LICENSE NO. B-52466	PHONE 991-7077	
10. CONTRACTOR'S ADDRESS 7432 E. Wetherfield		SCOTTSDALE BUS. LICENSE NO. 18310	
11. SIZE OF NEW BUILDING	SIZE OF EXISTING BUILDING	HEIGHT	STORIES
12. MATERIAL <input type="checkbox"/> WOOD <input type="checkbox"/> METAL <input checked="" type="checkbox"/> CONC. BLOCK EXT. WALLS <input type="checkbox"/> STUCCO <input type="checkbox"/> BRICK <input type="checkbox"/> CONCRETE		ROOF: <input type="checkbox"/> WOOD <input type="checkbox"/> STEEL CONST: <input type="checkbox"/> CONCRETE	ROOFING
13. VALUATION		DWELLING UNITS	
14. SIZE OF ADDITION 15 X 16' 8" = 252		STORIES	HEIGHT
<p>If permission to occupy street or alley during construction is granted, the occupant thereby agrees to promptly carry out all laws governing same, and to hold the City of Scottsdale harmless from any costs, damages or claims.</p> <p>F.F. ELEV TO MATCH EXISTING RESIDENCE.</p> <p>The issuance of this permit shall not be considered as an adoption by the inspector of the manifested technical construction contained in the plans and specifications, if thereafter it can be shown that any portion of the work is in conflict with any portion of the ordinances. It is agreed that this work will be done in conformity with the laws of the City of Scottsdale, Maricopa County and State of Arizona.</p>		APPROVALS	OCCUPANT LOAD
		BLDG. INS. 8/17/02	WATER METER SIZE
		PLANNING 8/5/02	WATER METER FEE
		ENGINEERING F.F. EVALUATION OK 8/5/02	WATER DEV. FEE
		EASEMENTS None	SEWER DEV. FEE
		REFUSE CONT. FEE	FIRE HYDR. FEE
		BLDG. PERMIT FEE	27.72

SIGNED _____
Owner, Architect, ContractorTHIS FORM WHEN PROPERLY SIGNED AND VALIDATED IS A
PERMIT TO DO THE WORK DESCRIBED.

CB4-0530 (3/77)

P.C. # 82-695

PLAN CHECK FEE: 17.64

SUPPLEMENTAL P.C. FEE: _____

EXHIBIT**G-1**

[pg 2 of 3]

12-BA-2020

07/31/20

EXHIBIT

G-1

[pg 3 of 3]

8207

Permit #

41265

5'0"

10'8"

20'0"

15'0"

NEW

ADDITION

EXISTING Home

LOT 13 - BOOK 121 - PAGE 7 SITE PLAN

APPROVED

BY THE CITY OF SCOTTSDALE PLANNING DEPARTMENT

02-695

jh

8/1/02

CITY OF SCOTTSDALE

PLANNING DEPARTMENT

DATE:

Building
materials
to match
existing

CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SCOTTSDALE AND ALL DEVIATIONS WILL REQUIRE REAPPROVAL

89.00

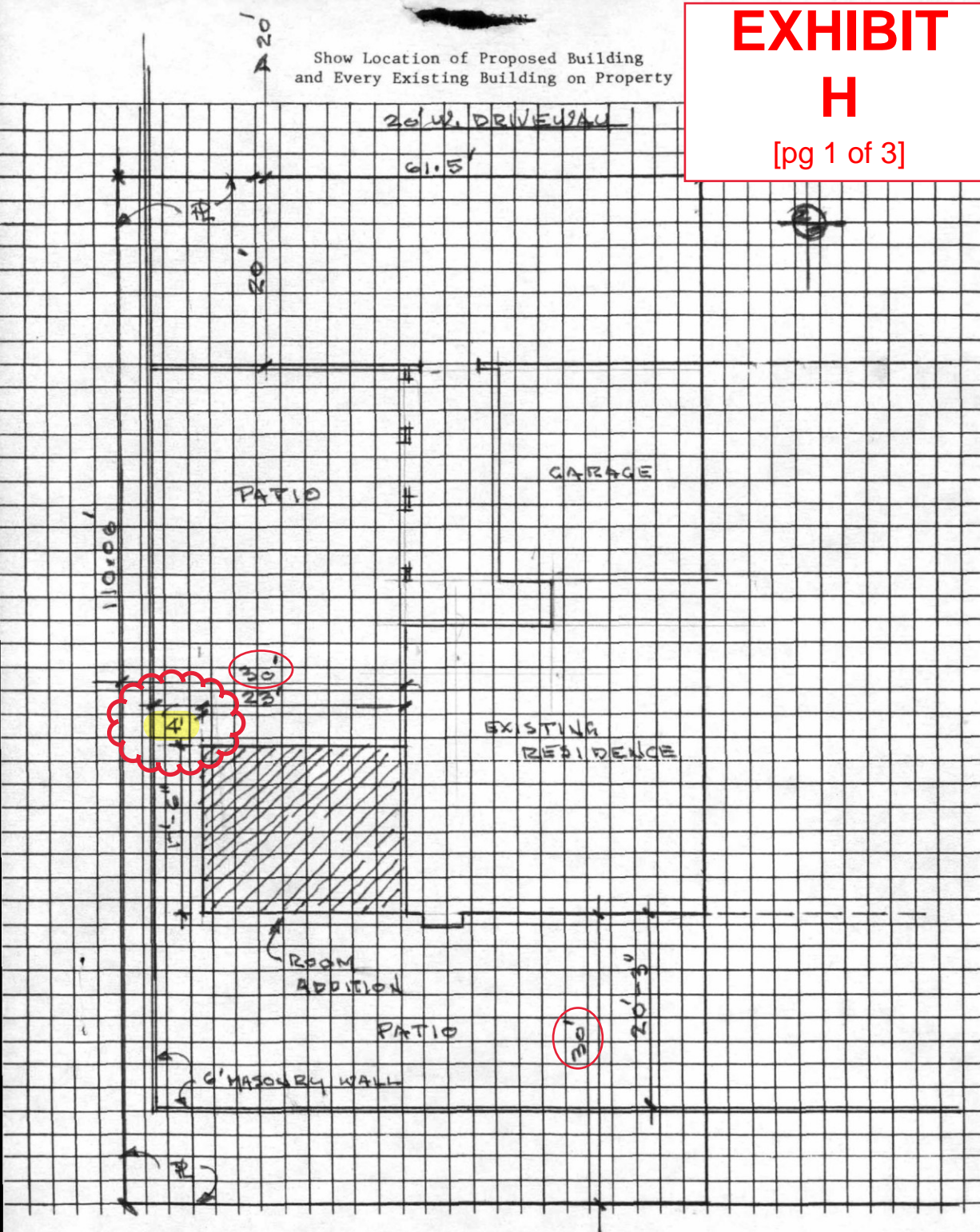
12-BA-2020

07/31/20

6966
67.00
12-1025 PLANNING

[pg 1 of 3]

Show Location of Proposed Building
and Every Existing Building on Property



[pg 2 of 3]

Application to Construct - Repair - Demolish and for Certificate of Occupancy

City of Scottsdale

Division of Building Inspection

1. LOT NO. / BOOK NO. / MAP NO. / PARCEL NO.		LOT #29, VILLA DEL ORO, ACCORDING TO	
SUBDIVISION & LEGAL DESCRIPTION		BOOK 136 OF MAPS, PAGE 43; RECORDS OF MARICOPA CO., ARIZONA	
2. BUILDING ADDRESS		5760 N. SCOTTSDALE RD.	
3. USE OF NEW BUILDING		ROOM ADDITION FOR HANDICAPPED	
4. PRESENT USE OF EXISTING BUILDING		RESIDENTIAL	
5. NEW USE OF EXISTING BUILDING		RESIDENTIAL	
6. OWNER'S NAME		V.J. SKUTT	
7. OWNER'S ADDRESS		5740 N. SCOTTSDALE RD.	
8. ARCHITECT		OWNER	
9. CONTRACTOR		OWNER	
10. CONTRACTOR'S ADDRESS		SCOTTSDALE BUS. LICENSE NO.	
11. SIZE OF NEW BUILDING		17'-6" X 23'-0"	
12. MATERIAL		WOOD	
13. VALUATION		120000.00	
14. SIZE OF ADDITION		17'-6" X 23'-0" = 404.88	
15. APPROVALS		APPROVED	
16. BLDG. INS.		APPROVED	
17. PLANNING		APPROVED	
18. ENGINEERING		APPROVED	
19. EASEMENTS		NONE	
20. REFUSE CONT. FEE		FIRE HYDR. FEE	
21. BLDG. PERMIT FEE		100.00	



SIGNED V. J. SKUTT / by J. E. SCALLY
Owner, Architect, Contractor (AGENT)

THIS FORM WHEN PROPERLY SIGNED AND VALIDATED IS A
PERMIT TO DO THE WORK DESCRIBED.

CB4-0530 (3/77)

P.C. # 82-113

PLAN CHECK FEE: 71.00

SUPPLEMENTAL P.C. FEE: 12-BA-2020

07/31/20

[pg 3 of 3]

[illegible]

Show Location of Proposed Building
and Every Existing Building on Proper

EXHIBIT
H-1
[pg 1 of 3]

EXHIBIT
H-1
[pg 2 of 3]

6/31/82 29.60
41459
041459
8/18/82 25.20

PERMIT
NO.

1. LOT NO. / BOOK NO. / MAP NO. / PARCE		[pg 2 of 3]		8/18/82 25.20	
SUBDIVISION & LEGAL DESCRIPTION		PERMIT NO.		8/31/82	
2. BUILDING ADDRESS					
3. USE OF NEW BUILDING		ZONE		PARKING SPACES	
4. PRESENT USE OF EXISTING BUILDING		INSIDE LOT <input type="checkbox"/>		CORNER LOT <input type="checkbox"/>	
5. NEW USE OF EXISTING BUILDING					
6. OWNER'S NAME					
7. OWNER'S ADDRESS		ZIP CODE			
8. ARCHITECT		PHONE		ENGINEER	
9. CONTRACTOR		LICENSE NO.		PHONE	
10. CONTRACTOR'S ADDRESS		SCOTTSDALE BUS. LICENSE NO.			
11. SIZE OF NEW BUILDING		SIZE OF EXISTING BUILDING		HEIGHT	
12. MATERIAL <input type="checkbox"/> WOOD <input type="checkbox"/> METAL <input type="checkbox"/> CONC. BLOCK		ROOF: <input type="checkbox"/> WOOD <input type="checkbox"/> STEEL		ROOFING	
EXT. WALLS <input type="checkbox"/> STUCCO <input type="checkbox"/> BRICK <input type="checkbox"/> CONCRETE		CONST: <input type="checkbox"/> CONCRETE			
13. VALUATION		DWELLING UNITS		OCCUPANCY	
14. SIZE OF ADDITION		STORIES		HEIGHT	
<p>If permission to occupy street or alley during construction is granted, the occupant thereby agrees to promptly carry out all laws governing same, and to hold the City of Scottsdale harmless from any costs, damages or claims.</p> <p>The issuance of this permit shall not be considered as an adoption by the inspector of the manifested technical construction contained in the plans and specifications, if thereafter it can be shown that any portion of the work is in conflict with any portion of the ordinances. It is agreed that this work will be done in conformity with the laws of the City of Scottsdale, Maricopa County and State of Arizona.</p>		APPROVALS		OCCUPANT LOAD	
		BLDG. INS.		WATER METER SIZE	
		PLANNING		WATER METER FEE	
				WATER DEV. FEE	
		ENGINEERING		SEWER DEV. FEE	
		F.F. EVALUATION		REFUSE CONT. FEE	
		EASEMENTS		FIRE HYDR. FEE	
				BLDG. PERMIT FEE	

SIGNED _____
Owner, Architect, Contractor

THIS FORM WHEN PROPERLY SIGNED AND VALIDATED IS A
PERMIT TO DO THE WORK DESCRIBED.

CB4-0530 (3/77)

P.C. # 82-141

PLAN CHECK FEE: 25.20

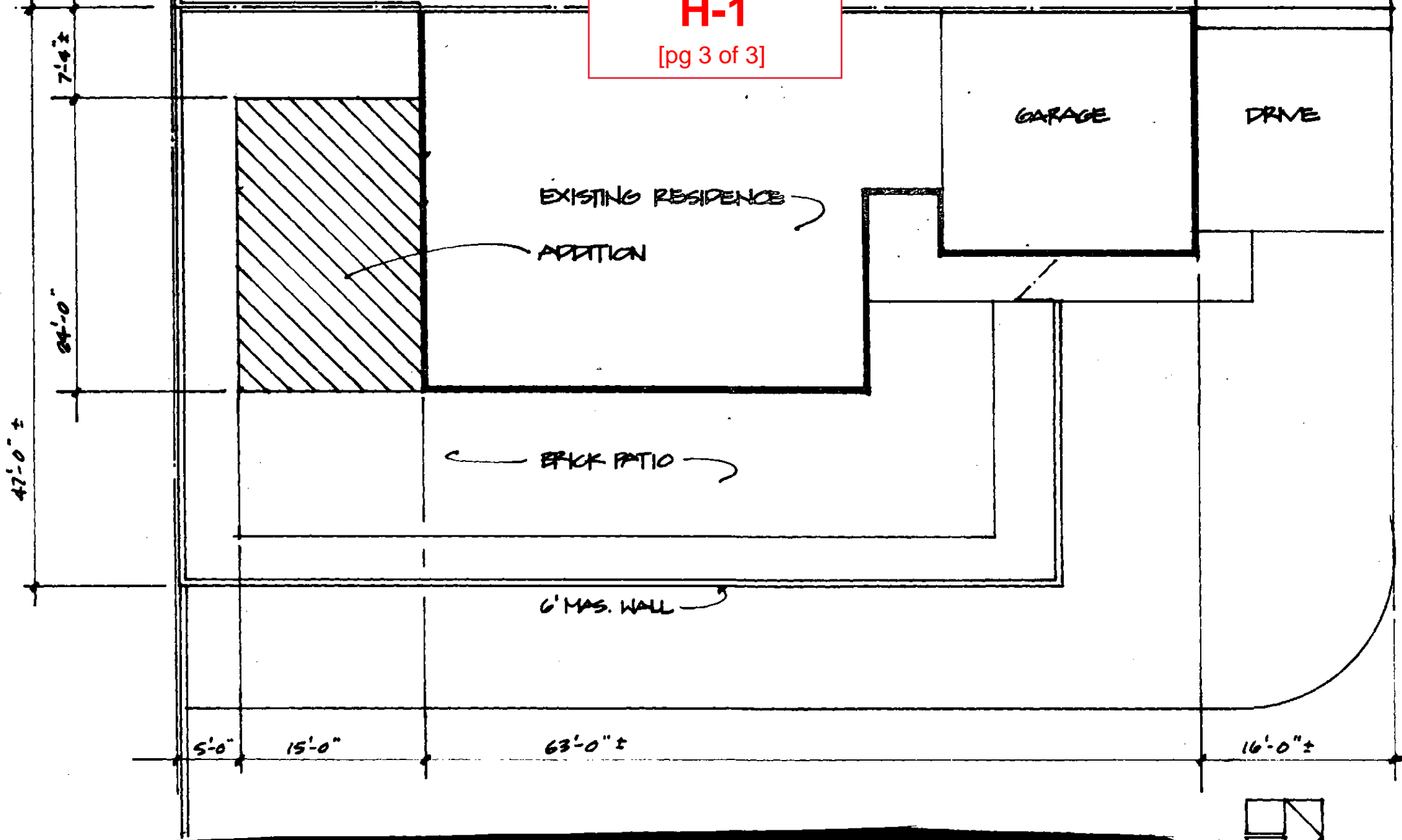
SUPPLEMENTAL P.C. FEE: 12-BA-2020

07/31/20

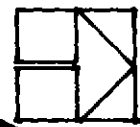
EXHIBIT H-1

[pg 3 of 3]

Permit # 41459



2nd submittal



EXHIBIT

I

PERIMETER LOTS - ABUTTING R-4R & R-43 (POSSESSING REAR & SIDE YARD DEPTH)

Lot	Street Num	Surrounding Zoning District	Floorplan	Lot Width	Floorplan Width	Side Yard Depth	Lot Depth L Side	Lot Depth R Side	Avg. Lot Depth	Floorplan Depth	~Rear Yard Depth
1	5608	R-4R	B	70-feet	70-feet	0-feet	75-feet	75-feet	75-feet	46-feet	29-feet
2	5612	R-4R	B	70-feet	70-feet	0-feet	87-feet	87-feet	87-feet	46-feet	41-feet
3	5616	R-4R	A	82-feet	82-feet	0-feet	89-feet	89-feet	89-feet	42-feet	47-feet
4	5620	R-4R	B	70-feet	70-feet	0-feet	79-feet	79-feet	79-feet	46-feet	33-feet
5	5624	R-4R	B	70-feet	70-feet	0-feet	73-feet	73-feet	73-feet	46-feet	27-feet
6	5628	R-4R	B	70-feet	70-feet	0-feet	71-feet	71-feet	71-feet	46-feet	8-feet
7	5630	R-4R & R-43	A	106-feet	83-feet	13-feet	73-feet	78-feet	76-feet	42-feet	34-feet
8	5632	R-43	A	82-feet	82-feet	0-feet	70-feet	67-feet	68-feet	42-feet	26-feet
9	5636	R-43	A	82-feet	82-feet	0-feet	70-feet	67-feet	68-feet	42-feet	26-feet
10	5640	R-43	A	83-feet	83-feet	0-feet	72-feet	70-feet	71-feet	42-feet	29-feet
11	5644	R-43	A	83-feet	83-feet	0-feet	70-feet	67-feet	68-feet	42-feet	26-feet
12	5648	R-43	A	82-feet	82-feet	0-feet	70-feet	67-feet	68-feet	42-feet	5-feet
13	5652	R-43	A	82-feet	82-feet	0-feet	70-feet	67-feet	68-feet	42-feet	5-feet
14	5654	R-4R & R-43	A	106-feet	82-feet	4-feet	78-feet	73-feet	76-feet	42-feet	34-feet
15	5656	R-4R	B	70-feet	70-feet	0-feet	71-feet	71-feet	71-feet	46-feet	10-feet
16	5660	R-4R	B	70-feet	70-feet	0-feet	73-feet	73-feet	73-feet	46-feet	27-feet
17	5664	R-4R	B	70-feet	70-feet	0-feet	75-feet	75-feet	75-feet	46-feet	29-feet
18	5668	R-4R	A	82-feet	82-feet	0-feet	83-feet	83-feet	83-feet	42-feet	11-feet
19	5672	R-4R	B	70-feet	70-feet	0-feet	85-feet	85-feet	85-feet	46-feet	39-feet
20	5676	R-4R	B	70-feet	70-feet	0-feet	71-feet	71-feet	71-feet	46-feet	25-feet

INTERIOR LOTS - ABUTTING R-4 ON ALL SIDES (ZERO LOT LINE ON ALL SIDES)

21	5674	R-4	B	70-feet	70-feet	0-feet	46-feet	46-feet	n/a	46-feet	0-feet
22	5680	R-5	A	82-feet	82-feet	0-feet	46-feet	46-feet	n/a	46-feet	0-feet

23	5682	R-6	B	70-feet	70-feet	0-feet	46-feet	46-feet	n/a	46-feet	0-feet
24	5602	R-7	A	82-feet	82-feet	0-feet	46-feet	46-feet	n/a	46-feet	0-feet
25	5604	R-8	A	88-feet	88-feet	0-feet	46-feet	46-feet	n/a	46-feet	0-feet
26	5614	R-9	B	70-feet	70-feet	0-feet	46-feet	46-feet	n/a	46-feet	0-feet
27	5610	R-10	B	70-feet	70-feet	0-feet	46-feet	46-feet	n/a	46-feet	0-feet
28	5618	R-11	A	82-feet	82-feet	0-feet	46-feet	46-feet	n/a	46-feet	0-feet
29	5622	R-12	B	70-feet	70-feet	0-feet	46-feet	46-feet	n/a	46-feet	0-feet
30	5626	R-13	A	82-feet	82-feet	0-feet	46-feet	46-feet	n/a	46-feet	0-feet
31	5634	R-14	B	70-feet	70-feet	0-feet	46-feet	46-feet	n/a	46-feet	0-feet
32	5638	R-15	B	70-feet	70-feet	0-feet	46-feet	46-feet	n/a	46-feet	0-feet
33	5642	R-16	B	70-feet	70-feet	0-feet	46-feet	46-feet	n/a	46-feet	0-feet
34	5646	R-17	B	70-feet	70-feet	0-feet	46-feet	46-feet	n/a	46-feet	0-feet
35	5650	R-18	A	82-feet	82-feet	0-feet	46-feet	46-feet	n/a	46-feet	0-feet
36	5658	R-19	B	70-feet	70-feet	0-feet	46-feet	46-feet	n/a	46-feet	0-feet
37	5662	R-20	B	70-feet	70-feet	0-feet	46-feet	46-feet	n/a	46-feet	0-feet
38	5666	R-21	B	70-feet	70-feet	0-feet	46-feet	46-feet	n/a	46-feet	0-feet
39	5670	R-22	B	70-feet	70-feet	0-feet	46-feet	46-feet	n/a	46-feet	0-feet



Q.S.
20-44

Google Earth Pro Imagery

Context Aerial

12-BA-2020



Close-up Aerial

12-BA-2020



Q.S.
20-44

Aerial

Zoning Aerial

12-BA-2020

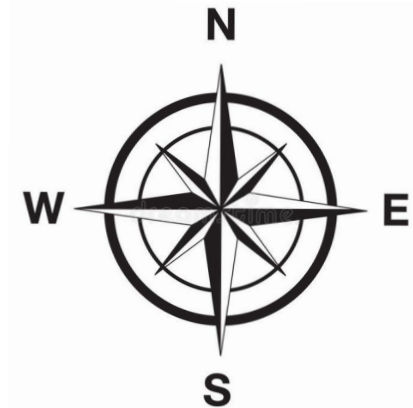
10a

Photos of Existing Conditions

Attachment 5



Aerial of Scottsdale North & abutting surroundings



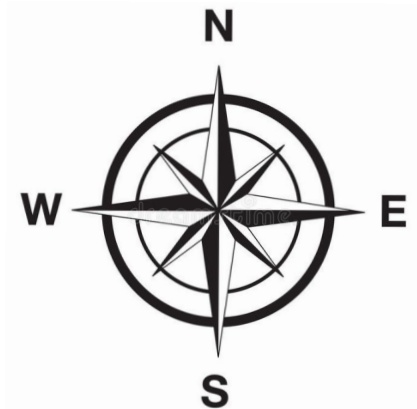
10b

Photos of Existing Conditions



Front of subject from street.

Note: There is ZERO visibility from the front to the proposed addition location to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general.



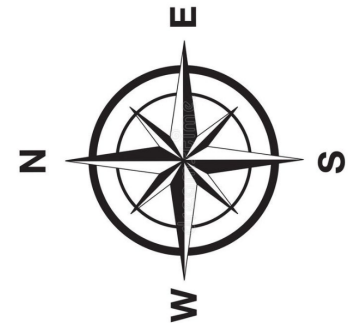
10c

Photos of Existing Conditions



Rear of subject from street.

Note: There near ZERO visibility from the rear to the the proposed addition location to persons residing or working in the vicinity, to the neighborhood, or to the public in general.



10d

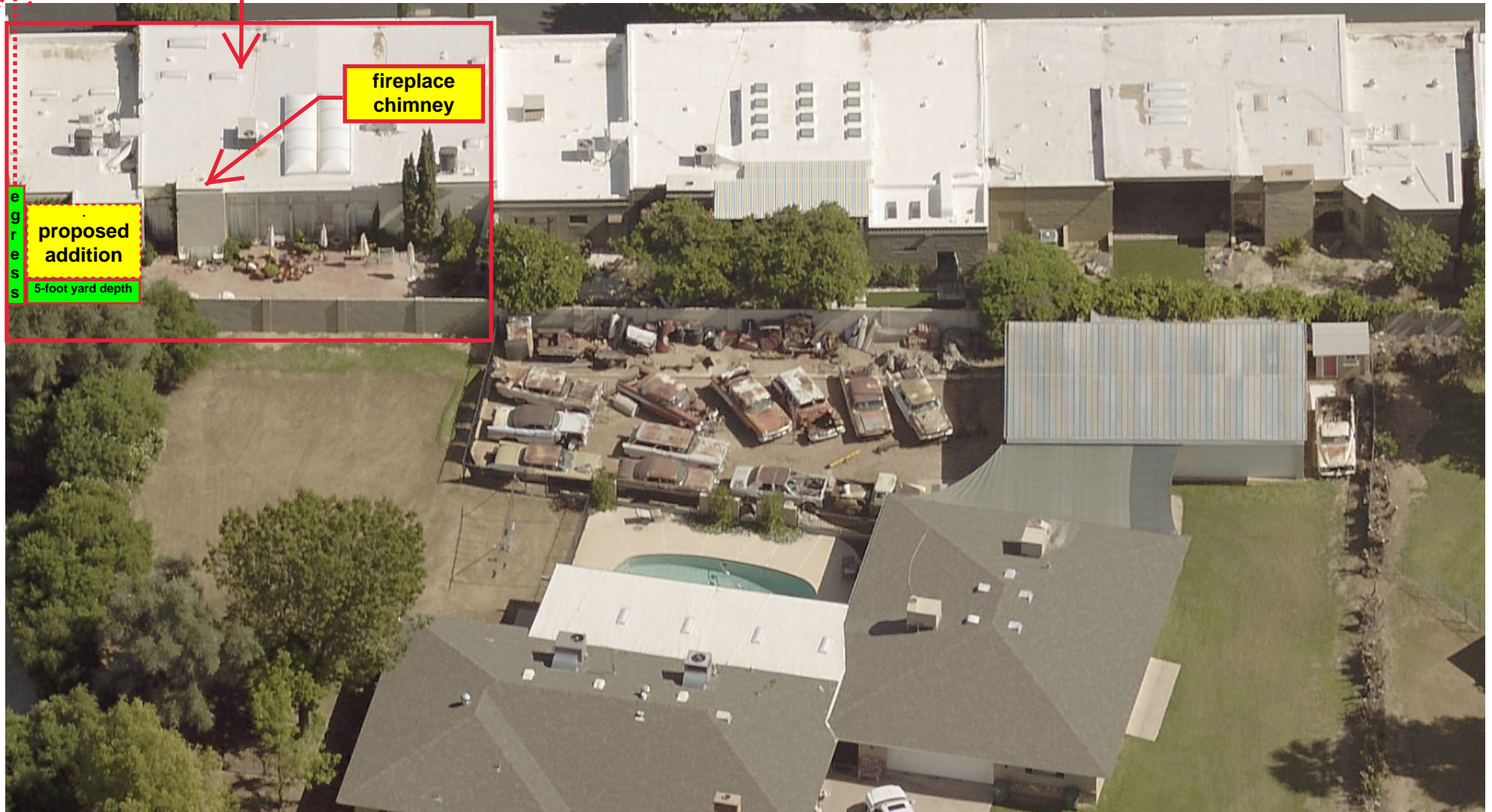
Photos of Existing Conditions

Subject

**fireplace
chimney**

**proposed
addition**

5-foot yard depth



10e

Photos of Existing Conditions



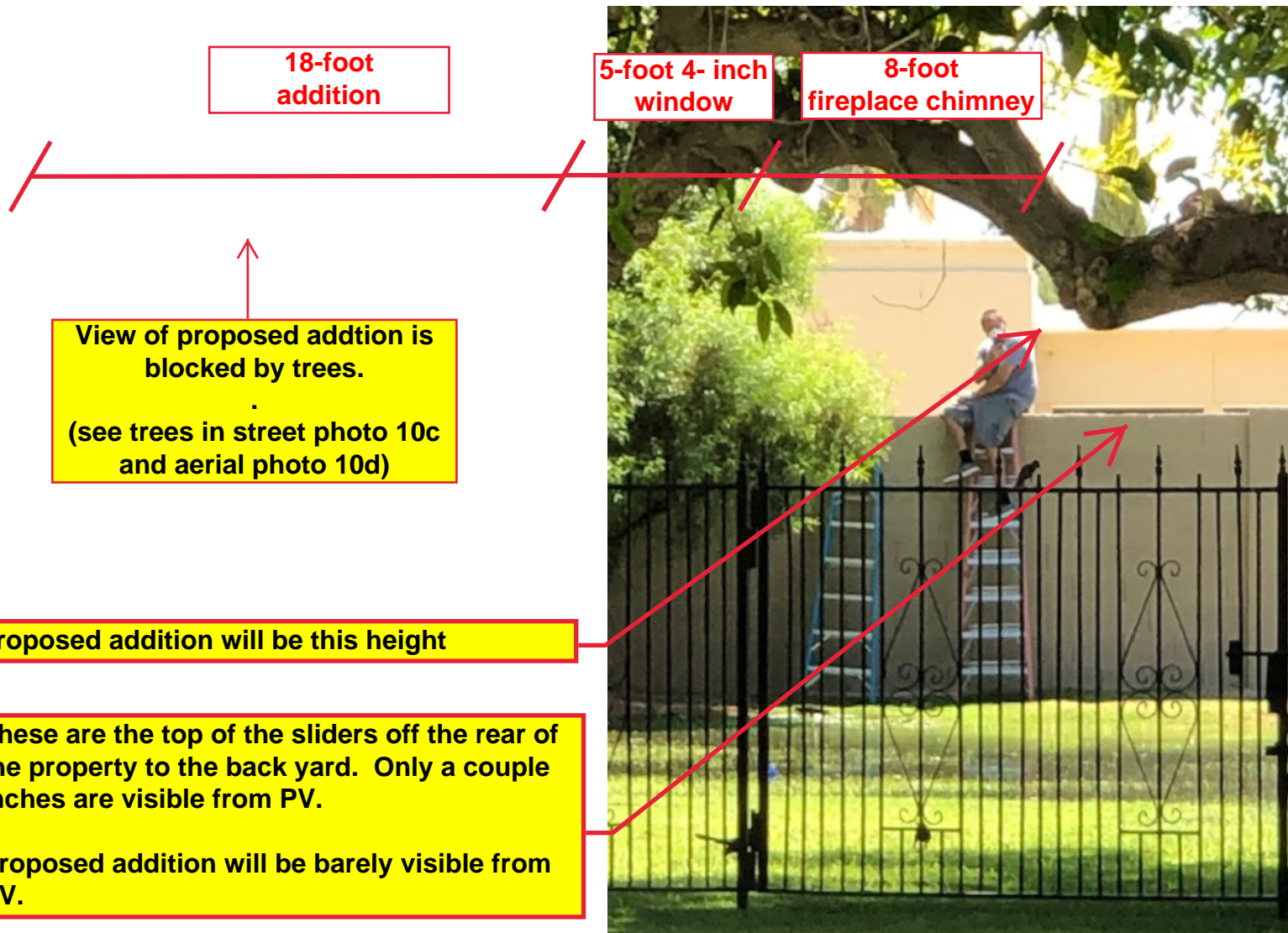
Addition to be built OFF the back side of this existing bumped out section

**fireplace
chimney**

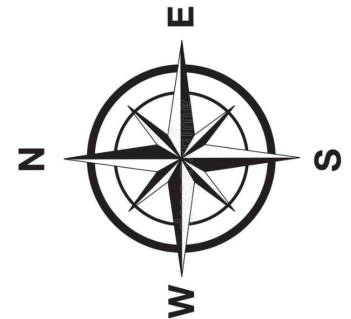


10f

Photos of Existing Conditions



**Zoom ratio 10x
(ten times) photo
of rear of subject
property from
Paradise Valley.**



PROJECT NAME AND LOCATION :

M A Y E R
RESIDENTIAL
A D D I T I O N

5648 N. SCOTTSDALE RD.
PARADISE VALLEY 85253

Attachment 6

THIS DRAWING AND ITS CONTENTS ARE CONSIDERED INSTRUMENTS OF SERVICE.
AS SUCH THEY ARE COPYRIGHTED PROPERTY OF RUN RUN DESIGN, LLC. THE USE
OF THESE DRAWINGS ARE LIMITED TO THIS SPECIFIC PROJECT AND ARE NOT TO BE
OTHERWISE REPRODUCED IN ANY WAY OR USED FOR SUPPLEMENTAL LOCATIONS
WITHOUT WRITTEN PERMISSION FROM RUN RUN DESIGN, LLC.

DRAWING REVISIONS:

no.	distribution	date
A	-	-
B	-	-
no.	revision	date
1	-	-

SHEET NAME:

SITE PLAN

project no:

dwg no:

A1.0

KEYNOTES

XX

1. EXISTING HOUSE
2. EXISTING CONCRETE DRIVEWAY TO REMAIN.
3. PROPERTY LINE
4. BUILDING SET BACK PER ZONING IS 0'-0"
5. EXISTING ELECTRIC PANEL
6. AREA OF ADDITIONAL LIVABLE SPACE.
8. EXISTING CMU BLOCK WALL TO REMAIN.
9. WATER METER - EXISTING TO REMAIN
10. EXISTING GARAGE TO REMAIN - NEW CORRIDOR TO BACK YARD.

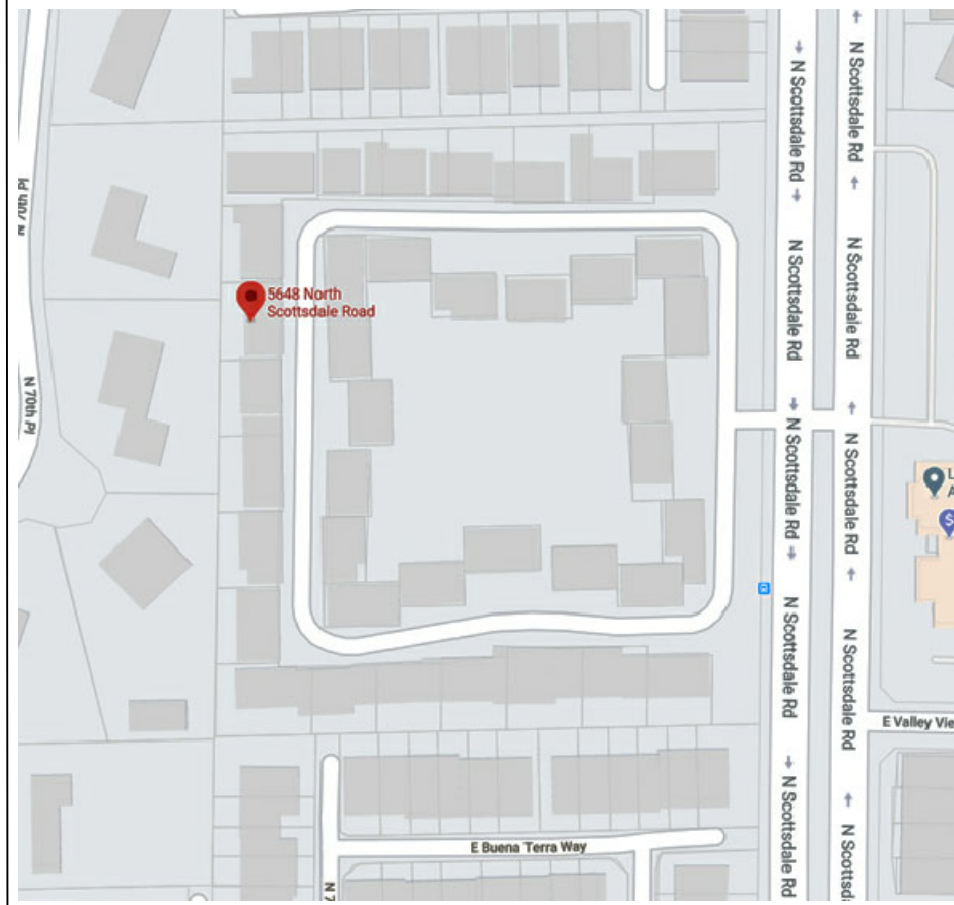
LEGEND



INDICATES PROPERTY
LINE BOUNDARY CORNER

INDICATES PROPERTY LINE

VACINITY MAP



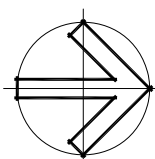
PROJECT SCOPE, INFO, & SITE DATA

CLIENT/OWNER	
NAME:	DAN MAYER
POINT OF CONTACT:	DAN MAYER
PHONE:	949-706-0201
SCOPE:	
EXISTING LIVABLE : 2,955 SF	
RESIDENTIAL REMODEL - 2,955 SF	
RESIDENTIAL ADDITION - NEW ADDITION, BEDROOM AND RESTROOM - 430 SF	
PROJECT DATA:	
ADDRESS : 5648 N. SCOTTSDALE ROAD PARADISE VALLEY, AZ 85253	
SUBDIVISION : NORTH SCOTTSDALE	
APN : 173-13-035	
LOT NUMBER : 4	
MCR NUMBER : 12107	
ZONING: R-4 TOWNHOUSE RESIDENTIAL	
AREA CALCULATION :	
LOT SIZE: 5,746 SF	
EXISTING LIVEABLE AREA: 2,955 SF	
EXISTING LOT COVERAGE : 3,225 SF / 5,746 SF = 56%	
NEW LIVEABLE: 430 SF	
TOTAL LIVEABLE: 3,282 SF	
NEW LOT COVERAGE : 3,658 SF / 5,746 SF = 63%	
BUILDING DATA:	
CONSTRUCTION TYPE	III
OCCUPANCY	SINGLE FAMILY DWELLING
STORIES	1
SPRINKLERS	NO

1 SITE PLAN

SCALE: 1/8" = 1'-0"

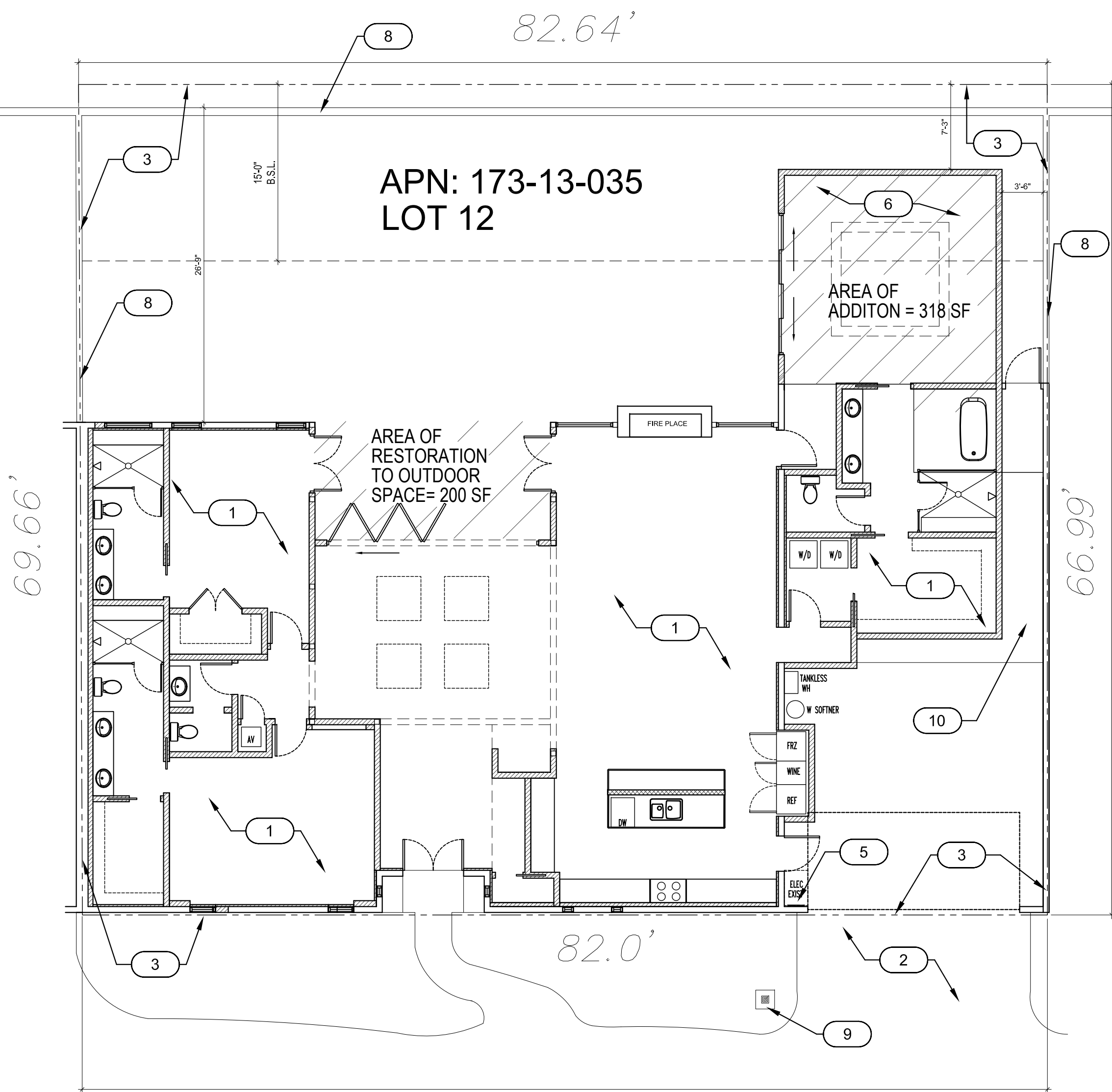
NORTH



APN: 173-13-034
LOT 11

APN: 173-13-035
LOT 12

APN: 173-13-036
LOT 12





CITY OF SCOTTSDALE BOARD OF ADJUSTMENT

REPORT OF THE BUILDING DIRECTOR TO THE BOARD OF ADJUSTMENT

VARIANCE	Setback	CASE NO.	35-BA-82
LOCATION	5652 N. Scottsdale Road	DATE	5-19-82 (of meeting)
NAME	Pearl Pegler	DATE	5-10-82 (of report)
ADDRESS	5652 N. Scottsdale Road		

The following report on the variance noted above is submitted by the Director of Building Inspection and shall not be considered as an approved variance until final action of the Board of Adjustment.

- I. REQUEST: To reduce rear yard setback from 15 feet to 5 feet.
- II. EVIDENCE SUBMITTED: Site Plan
- III. DISCUSSION: The applicant wishes to construct an addition to her home 10 feet into the required rear yard. A wall between adjacent neighbor's houses and the applicant's house already exists. An on-site inspection indicates that the addition won't be very noticeable to neighbors or the public in the Scottsdale North subdivision.
- IV. RECOMMENDATION: The staff recommends approval of the variance.

CASE # 65-1482
DATE _____
ZONE R-4
FEE _____
APPLICATION RECEIVED BY: _____



APPLICATION TO THE
BOARD OF ADJUSTMENT

HEARING DATE _____
APPROVED AS PRESENTED _____
APPROVED W/STEP _____
DENIED _____
CONTINUED TO: _____
CHAIRMAN _____

APPLICANT TO FILL OUT THIS PORTION - INSTRUCTIONS ON BACK OF THIS FORM - - (PLEASE TYPE)

NAME OF PROPERTY OWNER Pearl Pegler
ADDRESS OF " 5652 N. Scottsdale Road
MAILING ADDRESS FOR NOTICE OF HEARING Same

VARIANCE REQUESTED AT 5652 N. Scottsdale Road
LEGAL DESCRIPTION OF PROPERTY WHERE VARIANCE IS REQUESTED:
Lot 13, Scottsdale North, R4 121, Pgs. 7, 108

APPLICANT'S REQUEST: To reduce rear yard setback from 15 ft. to 5 ft.

SCOTTSDALE ZONING ORDINANCE REQUIRES: A rear yard setback of 15 ft. shall be
maintained for single family structures when an R-4 development
abuts an R-1 district.

ARTICLE AND SECTION OF ZONING ORDINANCE TO BE VARIED Article V, Section 5.804.F.1a

AMOUNT OF VARIANCE: 10 feet

JUSTIFICATIONS:

- 1) The rear yard is the only place on site where a room can be added to the dwelling.
- 2) The sub-lot was established prior to ownership (plat recorded in 1968)
- 3) The owner does not want a second floor addition to the one-story dwelling;
and the rear yard is the only open area on the sub-lot. The proposed addition
is modest in size (240 sq. ft.), and will take only 14% of the existing rear yard.
- 4) The subject rear yard abuts only other rear yards and is surrounded by walls: 8 ft.
at the west, the dwelling to the east, 6 ft. walls to north and south; therefore
the addition will hardly be noticeable, and not visible from any public way.

Print Name Pearl Pegler

5652 N. Scottsdale Road 85253
Address Zip Code

Applicant's Signature _____

Telephone Number _____

No questions were asked of Mr. Wellman.

Mr. Brand moved that the variance be granted as requested and Mrs. Zeeveld seconded. The motion carried 6-0.

Case 35-BA-82 - Setback 5652 N. Scottsdale Road (Pearl Pegler)

Applicant is requesting a variance to reduce rear yard setback from 15 ft. to 5 ft. Scottsdale Zoning Ordinance requires a rear yard setback of 15 ft. shall be maintained for single family structure when an R-4 development abuts a R-1 district. Amount of variance: 10 ft. at 5652 N. Scottsdale Road, City of Scottsdale.

Mr. Gahl stated that the applicant wishes to construct an addition to her home 10 ft. into the required rear yard. A wall between the adjacent neighbor's houses and the applicant's already exists. An on-site inspection indicates that the addition wouldn't be very noticeable to a neighbor or the public in the Scottsdale North subdivision so the staff recommends approval of the variance as requested.

Jerry Kadansky appeared on behalf of Mrs. Pegler. His letter of authorization had been previously received by the Board.

No questions were asked of the staff or Mr. Kadansky.

Mrs. Zeeveld moved the variance be granted as requested. Mr. Ringer seconded the motion which carried 6-0.

Case 36-BA-82 - Floor Area 4235 N. Marshall Way (C.G. Rein)

This case was continued to June 2, 1982.

Case 37-BA-82 - Sign NW corner of 96th & Shea (S. Cal District Lutheran Church)

The applicant wishes to install a development sign that would contain information directing the public to the place where church services are being held during new church construction.

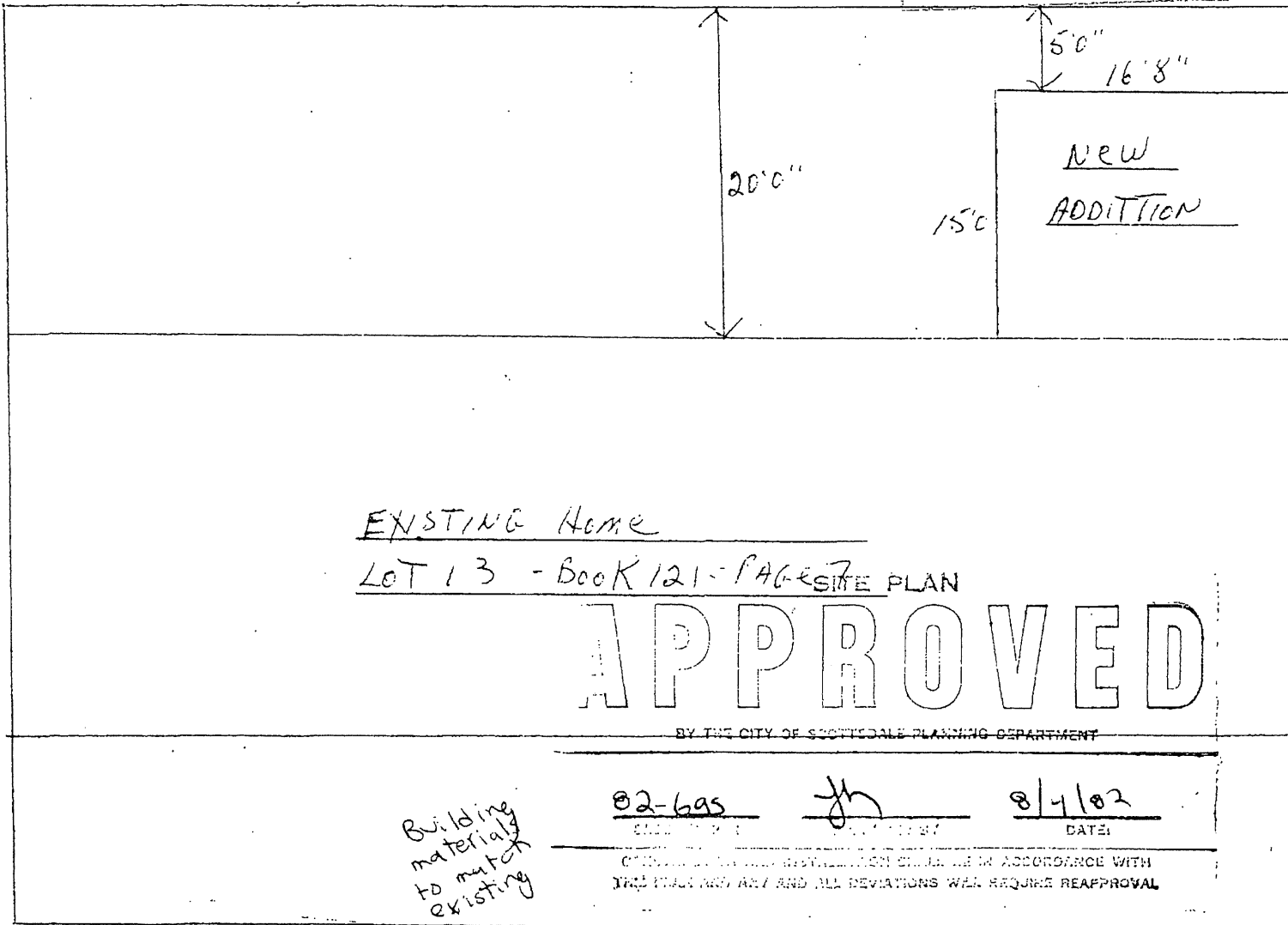
The sign ordinance prohibits off-premise signs. Also, a development sign is supposed to be used to provide information for the public to contact the developer.

The staff recommends denial of the variance based on the ordinance and because they believe the proposed sign contains too many words and would be difficult to read by passing motorists and would be distracting to traffic safety.

Reverend Eugene A. Byer, pastor of the church, was in attendance to present the case. Mr. Byer pointed out that the Scottsdale Executive Office Park where the congregation is now meeting will not allow a sign to be placed in front of it advertising the church times and meeting place except from 9-11 a.m. on Sunday. He therefore felt it necessary that the information

8207

Permit # 412105



6966

EXISTING HOME

LOT 13 - BOOK 121 - PAGE 7 SITE PLAN

APPROVED

BY THE CITY OF SCOTTSDALE PLANNING DEPARTMENT

Building materials to match existing

82-695
CASE NO.

JH
DATE

8/1/02
DATE

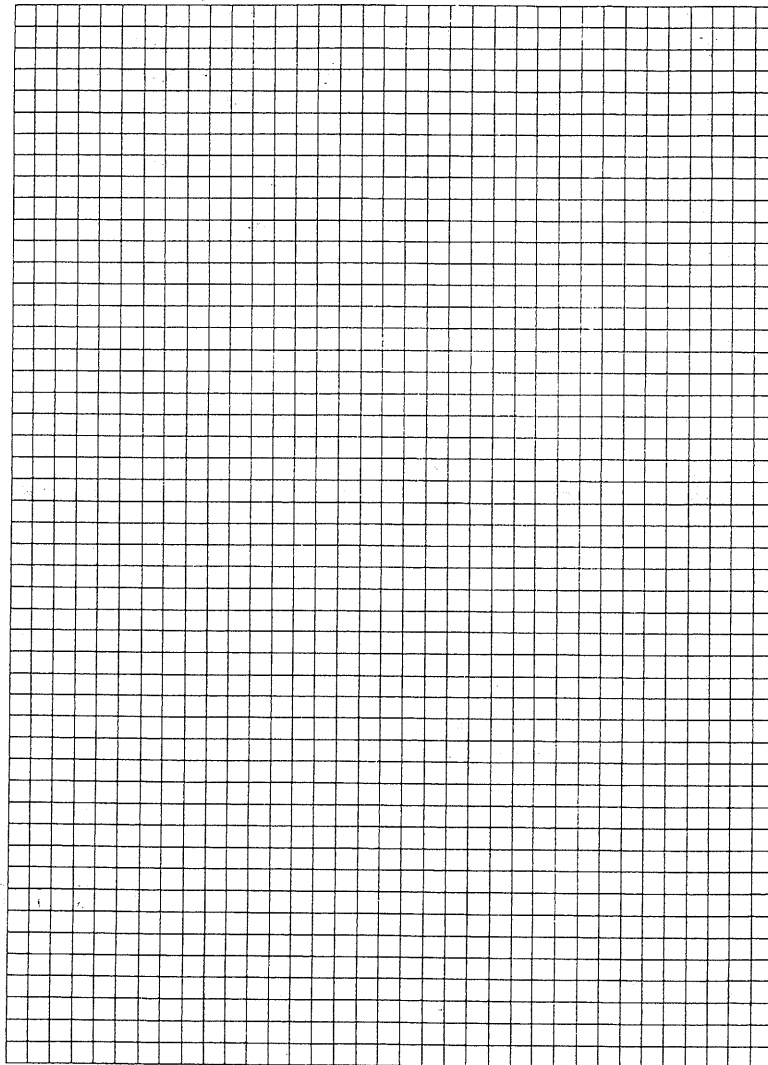
CITY OF SCOTTSDALE PLANNING DEPARTMENT SHALL REVIEW AND APPROVE THIS PLAN IN ACCORDANCE WITH THE ZONING ORDINANCE AND ALL DEVIATIONS WILL REQUIRE REAPPROVAL

82.00

82-1025 PLANNING 67.00

PLOT PLAN

Show Location of Proposed Building
and Every Existing Building on Property



Application to Construct - Repair - Demolish and for Certificate of Occupancy

City of Scottsdale

Division of Building Inspection

1. LOT NO. / BOOK NO. / MAP NO. / PARCEL NO. 12/121 PG 4			
SUBDIVISION & LEGAL DESCRIPTION CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA			
2. BUILDING ADDRESS 3075 N. GILBERT RD.			
3. USE OF NEW BUILDING FAMILY RESIDENTIAL		ZONE R-1	
4. PRESENT USE OF EXISTING BUILDING FAMILY RESIDENTIAL		PARKING SPACES 12	
5. NEW USE OF EXISTING BUILDING FAMILY RESIDENTIAL		INSIDE LOT <input type="checkbox"/> CORNER LOT <input type="checkbox"/>	
6. OWNER'S NAME FRANK P. BLOK			
7. OWNER'S ADDRESS 3075 N. GILBERT RD.		ZIP CODE 85251	
8. ARCHITECT	PHONE	ENGINEER	PHONE
CONTRACTOR V. BLOK		LICENSE NO. P-904166	PHONE 991-7177
10. CONTRACTOR'S ADDRESS 7132 S. GILBERT RD.		SCOTTSDALE BUS. LICENSE NO. 18910	
11. SIZE OF NEW BUILDING	SIZE OF EXISTING BUILDING	HEIGHT	STORIES
12. MATERIAL <input type="checkbox"/> WOOD <input type="checkbox"/> METAL <input checked="" type="checkbox"/> CONC. BLOCK	ROOF: <input type="checkbox"/> WOOD <input type="checkbox"/> STEEL	ROOFING	
EXT. WALLS <input type="checkbox"/> STUCCO <input type="checkbox"/> BRICK <input type="checkbox"/> CONCRETE	CONST: <input type="checkbox"/> CONCRETE		
13. VALUATION		DWELLING UNITS	
14. SIZE OF ADDITION 5' x 16' 8" = 84 sq ft		STORIES	HEIGHT
If permission to occupy street or alley during construction is granted, the occupant hereby agrees to promptly carry out all laws governing same, and to hold the City of Scottsdale harmless from any costs, damages or claims.		APPROVALS	
The issuance of this permit shall not be considered as an adoption by the inspector of the manifested technical construction contained in the plans and specifications, if thereafter it can be shown that any portion of the work is in conflict with any portion of the ordinances. It is agreed that this work will be done in conformity with the laws of the City of Scottsdale, Maricopa County and State of Arizona.		BLDG. INS. <input checked="" type="checkbox"/> 1/18/2	
		PLANNING <input checked="" type="checkbox"/> 1/18/2	
		ENGINEERING <input checked="" type="checkbox"/> 2/15/2	
		F.F. EVALUATION <input checked="" type="checkbox"/> MATCH EXISTING	
		EASEMENTS <input checked="" type="checkbox"/> 1302	
		OCCUPANT LOAD	
		WATER METER SIZE	
		WATER METER FEE	
		WATER DEV FEE	
		SEWER DEV FEE	
		REFUSE CONT. FEE	
		FIRE HYDR. FEE	
		BLDG. PERMIT FEE	



SIGNED _____
Owner, Architect, Contractor

THIS FORM WHEN PROPERLY SIGNED AND VALIDATED IS A PERMIT TO DO THE WORK DESCRIBED.

CB4-0530 (3/77)

P.C. # 82-145

PLAN CHECK FEE 17.64

SUPPLEMENTAL P.C. FEE:

27.72

From: [Paul Michaud](#)
To: [Smailbegovic, Omar](#)
Subject: RE: 12-BA-2020
Date: Monday, August 17, 2020 2:59:08 PM

External Email: Please use caution if opening links or attachments!

Omar:

I figured that was the circumstance. No further comments from the Town.

Thank you,

Paul E. Michaud, AICP
Planning Manager
Community Development – Planning Division
6401 E Lincoln Drive
480-348-3574 (phone)
pmichaud@paradisevalleyaz.gov
Office Hours: Mon-Fri 7:00 a.m. – 4:00 p.m., closed noon-1:00 p.m. and holidays

Stay informed with the Town's response to COVID-19 by visiting: www.paradisevalleyaz.gov/COVID-19
Sign up to receive emergency alerts & notifications from Alert PV: www.paradisevalleyaz.gov/AlertPV
Sign up for the Town's weekly COVID-19 Update by visiting: <https://l.townofpv.com/COVID19>

Disclaimer:

All messages contained in this system are the property of the Town of Paradise Valley and are considered a public record subject to disclosure under the Arizona Public Records Law (A.R.S. 39-121). Town employees, public officials, and those who generate e-mail to and from this e-mail domain should have no expectation of privacy related to the use of this technology.

From: Smailbegovic, Omar <OSmailbegovic@Scottsdaleaz.gov>
Sent: Monday, August 17, 2020 2:47 PM
To: Paul Michaud <pmichaud@paradisevalleyaz.gov>
Subject: RE: 12-BA-2020

EXTERNAL

Hi Paul,

We did notify those property owners as well as all property owners within 750 feet of the subject property regardless of jurisdiction. All notified parties should have received the attached hearing postcard with information on how to provide comments about the project. I have attached a copy of the mailing list for this case and our 750 foot notification map for reference.

Best Regards,

Omar Smailbegovic

Associate Planner
Scottsdale Planning & Development Services
7447 E. Indian School Road, Suite 105
City of Scottsdale, Arizona 85251
(480) 312-3087

From: pmichaud@paradisevalleyaz.gov <pmichaud@paradisevalleyaz.gov>

Sent: Monday, August 17, 2020 11:03 AM

To: Smailbegovic, Omar <OSmailbegovic@Scottsdaleaz.gov>

Subject: 12-BA-2020

⚠ External Email: Please use caution if opening links or attachments!

City of Scottsdale



The Town would like to confirm the the two property owners west of the subject site located within the Paradise Valley Town limits were given notice and opportunity to comment. These are parcels 173-13-015 and 173-13-016. The parcels within the Town are zoned R-43 and require 40' rear yard setbacks for the main home and 20' setbacks for detached accessory structures to the rear yard. -- sent by Paul Michaud, Planning Manager Town of PV (case# 12-BA-2020)

From: Bonnie Marshall <marshallbonnie2@gmail.com>
Sent: Thursday, July 30, 2020 6:06 PM
To: Dan Mayer
Subject: Re: Architectural Request

The committee and the board do not have to approve building plans for the backyard, because it is not visible from any common area. Your neighbors have no objection, so you appear to be good to go.

Bonnie

On Thu, Jul 30, 2020 at 3:48 PM Dan Mayer <dan.mayer@outlook.com> wrote:

Thank you Bonnie!

Did the architectural Committee approve the other item on my approval request, "small addition to rear yard"?

Dan

Unit# 12 Submitted by: Dan Mayer Date of Request : 7/21/2020

Please submit four (4) copies if submitting in hard copies if submitting electronically, submit one (1) copy of request and all supporting documentation.

A REMINDER: obtain all required City of Scottsdale permits before commencing with remodeling,

Type of Change Requested:

<input type="checkbox"/> Landscape	<input type="checkbox"/> Painting of home	<input type="checkbox"/> Front door
<input type="checkbox"/> Garage Door	<input type="checkbox"/> Roof area	<input type="checkbox"/> Iron work
<input type="checkbox"/> Ornamental Planters	<input type="checkbox"/> Exterior Lighting	<input type="checkbox"/> Mail Box Slots
<input type="checkbox"/> Umbrellas (Interior courtyard homes)		
<input checked="" type="checkbox"/> Small addition to rear yard - see Exhibit A		
<input checked="" type="checkbox"/> Window Replacement - see Exhibit A		

Sent from [Mail](#) for Windows 10

From: [Bonnie Marshall](#)
Sent: Thursday, July 30, 2020 4:32 PM

To: [Dan Mayer](#)

Subject: Architectural Request

Dan,

This is to inform you that your plans for the window enlargement have been approved as submitted.

Bonnie Marshall
Chairman, Architectural and Landscape Committee
Scottsdale North

SCOTTSDALE NORTH HOMEOWNERS ASSOCIATION

August 17, 2020

To: Mr. Dan Mayer, Homeowner and Member

From: Scott Simpson, President Scottsdale North HOA

Subject: Improvements to 5648 N. Scottsdale Road

Via E mail to: dan.mayer@outlook.com

Dear Dan:

The purpose of this letter is to inform you that the Scottsdale North Board of Directors has approved your plans for the improvements and the addition to 5648 that you submitted to the Board. Also your immediate, adjoining neighbors at 5644 and 5652, also approved your plans. Please note that because the Board does not meet in July and August, the formal documentation of the Board approval will be put on the official HOA record at our Board meeting in September.

On a separate note, please know that the Board and all members of the HOA, greatly appreciate people, like yourself, who purchase one of our old but classic houses (built circa 1970) and then renovate, modernize and where possible, enlarge it. It is very good for the property values in our unique community and is much appreciated.

On behalf of the Scottsdale North Board of Directors, we all wish you good luck and smooth sailing on your renovation.

Sincerely,

Scott W. Simpson
ssimpson@renewsystems.org



Zoning Group

Heather Dukes, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Cody White
Urban Planner

Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

Mayer Residence

Supplemental Information for Variance Request

12-BA-2020

Snell & Wilmer

ONE ARIZONA CENTER
400 E. VAN BUREN, SUITE 1900
PHOENIX, AZ 85004-2202
602.382.6000 P
602.382.6070 F

Heather N. Dukes
(602) 382-6347
hdukes@swlaw.com

September 17, 2020

Mr. Gary Donahoe, Chairman
Mr. Bryan Cluff, Staff Representative
Board of Adjustment
CITY OF SCOTTSDALE
Planning and Development Department
7447 E. Indian School Road
Scottsdale, Arizona 85251

Re: Supplemental Information for Variance Application to Reduce Rear Yard Setback
for Property Located at 5648 N. Scottsdale Road (the "Property"); City of
Scottsdale Case No. 12-BA-2020

Dear Chairman Donahoe and Mr. Cluff:

On behalf of our client, Daniel Mayer, Trustee of the Two 5 Eight Living Trust, dated April 5, 1996 ("Mayer"), we submit this supplemental letter in support of our pending variance application to reduce the rear-yard setback of the above-referenced Property from 15 feet to 5 feet. In the alternative, our client is seeking a decision from the Board of Adjustment determining that a 5-foot rear-yard setback applies to Lot 12 as a result of the vested 1968 Site Plan Stipulation No. 3, the vested rear-yard setback provision from the 1969 Text Amendment to the Zoning Ordinance, and the current rear-yard setback applicable to contiguous Lot 13 of the Scottsdale North subdivision. This letter and the attached exhibits are intended to supplement the materials submitted by Mayer to the City of Scottsdale on July 31, 2020.

Timeline of Events

The following timeline of events are pertinent to this variance application:

1. September 13, 1962 – Ordinance No. 159 was adopted by the Scottsdale City Council establishing a 30-foot rear-yard setback in the R-4 Town-House Residential District. *See Exhibit A* attached hereto.

Mr. Gary Donahoe, Chairman of Board of Adjustment
Mr. Bryan Cluff, Board of Adjustment Staff Representative
September 17, 2020
Page 2

2. **August 20, 1968** – The Scottsdale City Council approved a down-zoning of the Scottsdale North site from R-4R District to R-4 District for purposes of developing a townhouse development with adequate setbacks from Scottsdale Road and less density than would otherwise be allowed in the R-4R zoning district. *See* City Council Meeting Minutes from August 20, 1968 attached hereto as **Exhibit B** attached hereto.

3. **September 3, 1968** – Ordinance No. 410 was adopted by the Scottsdale City Council approving the R-4 zoning for the Scottsdale North development (Case No. 15-Z-68). *See* **Exhibit C** attached hereto.

4. **September 3, 1968** – City Council meeting was held regarding the Scottsdale North Site Plan (Case No. 6-SP-98). The City Council minutes confirm that the site plan for the townhouses was “approved by the Planning Commission subject to the following: . . . development standards regarding setbacks, etc. shall conform to ordinance at time building permits are requested.” *See* September 3, 1968 City Council meeting minutes attached hereto as **Exhibit D**. *See also* August 29, 1968 letter to Mayor and Council confirming Planning Commission recommendation of approval and Stipulation No. 3 pertaining to setbacks (the “**1968 Site Plan Stipulation 3**”), attached hereto as **Exhibit E**.

5. **December 5, 1968** – The Scottsdale North subdivision plat was recorded at Book 121 of Maps, Page 7, Official Records of the Maricopa County Recorder’s Office. *See* **Exhibit F** attached hereto.

6. **June 17, 1969** – Ordinance No. 455 was adopted by the Scottsdale City Council which revised the R-4 District rear-yard setback requirement from 30 feet to the following requirement: “There shall be a yard on the perimeter of the development equal to the yard required on any contiguous residentially zoned land, or as determined by site plan approval” (the “**1969 Text Amendment**”) Emphasis added. *See* **Exhibit G**, Section 5.804.E.2, attached hereto.

Notably, this variance application requests a rear yard setback along the perimeter of the Scottsdale North development which is equal to the yard required on contiguous Lot 13. Lot 13 is currently developed with an allowed 5-foot rear-yard setback, which is identical to the rear-yard setback proposed by Mayer for Lot 12. Therefore, the proposed addition to Mayer’s residence continues to meet the rear-yard setback requirement imposed by the original R-4 zoning stipulation and Ordinance No. 455 (which was in effect at the time the Scottsdale North developer obtained building permits).

7. **December 17, 1969** – A permit to construct the townhouse was issued for Mayer’s Lot 12, after the 1969 Text Amendment took effect. *See* **Exhibit H** attached hereto.

Mr. Gary Donahoe, Chairman of Board of Adjustment
Mr. Bryan Cluff, Board of Adjustment Staff Representative
September 17, 2020
Page 3

8. May 19, 1982 – A variance was granted to reduce contiguous Lot 13’s rear-yard setback from 15 feet to 5 feet (Case No. 35-BA-82), which is the same rear-yard setback being requested by Mayer. *See Exhibit I* attached hereto.

9. August 5, 1982 – A building permit was issued for the Lot 13 building addition setback 5 feet from the rear property line. *See Exhibit J* attached hereto.

10. April 3, 2012 – The City Council adopted Resolution No. 8947 approving Text Amendment Case No. 7-TA-2010. This text amendment had the effect of changing the language in the development standards section of certain residential zoning districts to reference Table 4.100.A. The purpose of the text amendment, in part, was to clarify which abutting residential districts would impose a greater rear-yard setback requirement. The text amendment attempted to remedy former obscure language providing increased setbacks from the “R1 District.” When the text amendment took effect in 2012, the amendment erroneously omitted from the R-4 zoning district the more consistent and comprehensible language referring to Table 4.100A. *See Exhibits K and L* attached hereto.

11. Current Zoning Ordinance Text: Zoning Ordinance Section 5.804.E.1 states, “Wherever an R-4 development abuts an R1, R-4R or M-H district or an alley abutting any of those districts, the following shall apply: (a) A yard of not less than 15 feet shall be maintained for the single-story structures, and (b) An additional depth of 10 feet shall be provided for each additional story.” Furthermore, Zoning Ordinance Section 5.804.E.2 allows for zero setback development when the adjacent zoning district is any other district than R1, R-4R, or M-H.

Summary of Request

This variance application requesting a rear-yard setback of 5 feet for Lot 12 of the Scottsdale North townhome subdivision is supported by the initial July 31, 2020 application submittal in this case, the foregoing timeline of events and evidence demonstrating compliance with the variance criteria. A rear-yard setback of 5 feet is also warranted as a result of the vested 1968 Site Plan Stipulation No. 3 (pertaining to setbacks), the corresponding vested 1969 Text Amendment requiring perimeter lot setbacks to conform to contiguous residential properties, and the City of Scottsdale’s approval of a 5-foot rear yard setback for contiguous Lot 13.

Variance Criteria

Pursuant to Section 1.804.A of the Zoning Ordinance, a variance shall not be authorized unless the Board finds upon sufficient evidence:

1. That because of special circumstances applicable to the property including its size, shape, topography, location, or surroundings, the strict application of the Zoning

Mr. Gary Donahoe, Chairman of Board of Adjustment
Mr. Bryan Cluff, Board of Adjustment Staff Representative
September 17, 2020
Page 4

Ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.

- In addition to the information set forth in Mayer's July 31, 2020 submittal, there are special circumstances which are applicable to the location and surroundings of the Property, together with the 2012 Text Amendment. Lot 12 is a shallow, perimeter lot located in the R-4 District that is uniquely situated so that it abuts the Town of Paradise Valley. The Town of Paradise Valley residential lot which adjoins Lot 12 to the west is located in the Town's R-43 Zoning District. The zoning of the Town of PV Lot is relevant because, prior to the 2012 Text Amendment to the Scottsdale Zoning Ordinance, several residential zoning districts, including the R-4 District, included special setback distances from "R1 District" properties. The Town of Paradise Valley R-43 District is not a City of Scottsdale "R1 District." The 2012 Text Amendment attempted to remedy this reference to "R1 District" throughout the Zoning Ordinance, but erroneously omitted the setback language revision in the R-4 District. As a result, Mayer reviewed the R-4 District before purchasing Lot 12 and believed that the Lot could be renovated and improved with a zero rear-yard setback because the rear yard did not adjoin an R1 District.
- Special circumstances also apply to Mayer's Lot 12 as a result of its location, surroundings and development history. This townhome subdivision was designed to emphasize open space along Scottsdale Road with an internal open space offering owners a quiet, landscaped area and community pool to enjoy. The design of Scottsdale North encourages and fosters community, interaction between owners, and transitions the community focus away from separate backyard spaces. This internal, common open space design, in turn, places less focus on rear-yard building setbacks and yards, which are intended to provide adequate space between units for the public health, safety and welfare of owners and residents.
- In addition, the site plan approval history for the subdivision, together with the City of Scottsdale 1969 Text Amendment, are special circumstances applicable to the Property. In this case, the Scottsdale North site plan was approved in 1968, subject to Stipulation No. 3 which required building setbacks to be determined at the time permits were issued to develop the townhomes. The City's 1969 Text Amendment thereafter revised the rear-yard setback for perimeter lots in the R-4 District from 30 feet to a distance which equaled "the yard required on any contiguous residentially zoned land, or as determined by site plan approval." After the 1969 Text Amendment took effect, the City issued building permits to the Scottsdale North developer, effectively locking in the rear-yard setback

Mr. Gary Donahoe, Chairman of Board of Adjustment
Mr. Bryan Cluff, Board of Adjustment Staff Representative
September 17, 2020
Page 5

requirement for Lot 12 as a setback equal to any contiguous residentially zoned land, which would include the 5-foot setback permitted on Lot 13.

2. That the authorization of the variance is necessary for the preservation of privileges and rights enjoyed by other property of the same classification in the same zoning district, and does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located; and

- The variance is necessary for the preservation of privileges and rights, namely the owner's right to enjoy his property in a manner consistent with modern properties within similar classifications.
- The existing home, constructed in 1969, is reflective of the building codes in effect at the time of development, such as narrow doorways, windows that do not meet modern ingress and egress requirements, and plumbing and bathroom designs that would not meet modern building code requirements. The reconfiguration of this home to meet modern building code requirements is an essential property right, and is not possible without the authorization of this variance.
- There are two existing bedrooms within this residence, neither of which will accommodate modern accessibility or ingress and egress requirements associated with current building codes or modern home design standards. This variance is necessary to reconfigure and enlarge said living space in accordance with those requirements. While there may be buildable space within the current Zoning Ordinance's defined building envelope, this space is not usable in relation to the existing configuration of the property.
- The prevailing home design of the time does not accommodate the type of improvements necessary to bring this home into conformance with current building code requirements or the modern standards associated with any meaningful expansion. Further, the Board of Adjustment has already determined that a variance is necessary to preserve property rights within the Scottsdale North subdivision, as evidenced in its 1982 action, attached hereto as **Exhibit I**.
- As the Board has granted a reduction in rear yard building setback for Lot 13, directly adjacent to the Mayer property, Lot 12, the Board has established that a reduction in setback is necessary.
- Authorization of this variance is necessary to afford the Mayer residence rights consistent with other properties of the same classification, most notably that of Lot 13 directly adjacent.
- Failure to authorize this variance will result in the deprivation of a substantial property right, therefore there is sufficient evidence warranting the authorization of this request.

Mr. Gary Donahoe, Chairman of Board of Adjustment
Mr. Bryan Cluff, Board of Adjustment Staff Representative
September 17, 2020
Page 6

3. *That the special circumstances applicable to the property were not self-imposed or created by the property owner.*

The following special circumstances applicable to the Property were not self-imposed or created by Mayer as the owner of the Property:

- The special circumstances arising from the perimeter location of the Property being adjacent to an R-43 zoned lot within the Town of Paradise Valley's jurisdiction,
- The special circumstances and unclarity arising from the error in the 2012 Text Amendment which is applicable to the Property,
- The special circumstances arising from the 1968 Site Plan Stipulation No. 3, the 1969 Text Amendment, the history of building permit approvals, and the 5-foot rear-yard setback approved for Lot 13, and
- The special circumstances arising from the unique subdivision design which emphasizes internal common area open space as opposed to secluded, large back yards.

4. *That authorization of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.*

- The letters of support from the Lot 11 and Lot 13 owners, the Scottsdale North HOA and the Scottsdale North Architectural Committee demonstrate that the variance will not be materially detrimental to Lot 12's surroundings.
- The email from the Town of Paradise Valley Community Development Director raises no concerns regarding the requested 5-foot rear-yard setback.
- The photographs of Lot 12 and its surroundings demonstrate that the addition will not be visible from the street frontage of Lot 12 and will not negatively impact adjoining lots.
- An adequate buffer and separation between buildings is preserved by the proposed master bedroom design and location on Lot 12, the existing development on Lots 11 and 13, and the substantial 40-foot rear-yard setback requirement for the adjoining R-43 zoning district in the Town of Paradise Valley.

Mr. Gary Donahoe, Chairman of Board of Adjustment
Mr. Bryan Cluff, Board of Adjustment Staff Representative
September 17, 2020
Page 7

Vested Rear-Yard Setback Based upon Yard of Contiguous, Residential Perimeter Lots

In 1968, the Scottsdale North development site was rezoned from R-4R to R-4 District at a time when the required rear-yard setback in the R-4 District was 30 feet. Also, in 1968, the Planning Commission and City Council approved the site plan for the Scottsdale North development, subject to Stipulation No. 3 that stated, “Development standards regarding setbacks, etc. shall conform to ordinance requirements at time building permits are requested.” Emphasis added. *See Exhibit E.*

Then, in June of 1969, the City of Scottsdale Zoning Ordinance was amended so that the R-4 District rear yard setback was no longer 30 feet, but instead required that: “There shall be a yard on the perimeter of the development equal to the yard required on any contiguous residentially zoned land, or as determined by site plan approval.” Emphasis added. *See Exhibit G.*

Thereafter, building permits were issued to the Scottsdale North developer to begin constructing the townhomes. In December 1969, the developer was issued a building permit to construct the townhouse on Mayer’s Lot 12. *See Exhibit H.* The issuance of the building permit had the effect of vesting not only Stipulation No. 3 from the site plan approval case, but also the following rear-yard setback language for Lot 12: “There shall be a yard on the perimeter of the development equal to the yard required on any contiguous residentially zoned land, or as determined by site plan approval.”

As a result of this history, Mayer has vested rights to further develop his lot with a rear-yard setback that is equal to the setback on any contiguous, residentially zoned land – namely Lot 13 to the north. Inasmuch as the owners of Lot 13 obtained a variance in 1982 to allow a rear-yard setback of 5 feet and Lot 13 is a contiguous, residential lot to Mayer’s Lot 12, the minimum rear-yard setback for Lot 12 should be similarly reduced to 5 feet.

Conclusion

For the foregoing reasons, Mayer respectfully requests approval of the variance to reduce the Property’s rear-yard setback from 15 feet to 5 feet, or in the alternative, a decision from the Board of Adjustment determining that a 5-foot rear yard setback applies to Lot 12 as a result of the vested 1968 Site Plan Stipulation No. 3, the vested rear-yard setback provision from the 1969 Text Amendment, and the current rear-yard setback applicable to contiguous Lot 13 of the Scottsdale North subdivision. Additional documentation is being submitted as part of this supplemental letter, as referenced below.

Mr. Gary Donahoe, Chairman of Board of Adjustment
Mr. Bryan Cluff, Board of Adjustment Staff Representative
September 17, 2020
Page 8

If you have any questions or need additional information, please do not hesitate to contact me at hdukes@swlaw.com or at 602-320-8866. Thank you.

Respectfully submitted,

Snell & Wilmer

/s/ Heather N. Dukes

Heather N. Dukes

Attachments

S&W

Zoning Group

Heather Dukes, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Cody White
Urban Planner

Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

Exhibit A

Ordinance No. 159

12-BA-2020

AN ORDINANCE AMENDING ORDINANCE NO. 147, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, FOR THE PURPOSE OF REGULATING AND RESTRICTING HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, AND THE LOCATION AND USE OF BUILDINGS STRUCTURES, AND LAND FOR TRADE, INDUSTRIAL, COMMERCIAL, RESIDENCE OR OTHER PURPOSES, AND ESTABLISHING SETBACK LINES; AND FOR SUCH PURPOSES DIVIDING THE CITY INTO DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS MAY BE DEEMED BEST SUITED FOR THE PURPOSES HEREOF; AND REFERRING TO THE ZONING MAP WHICH IS MADE A PART OF THIS ORDINANCE; PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS THEREOF; PROVIDING FOR HEARING BEFORE THE CITY PLANNING COMMISSION WHO SHALL RECOMMEND AMENDMENTS; PROVIDING FOR HEARING BEFORE THE CITY COUNCIL; PROVIDING FOR THE ENFORCEMENT THEREOF AND FOR A BOARD OF ADJUSTMENT WITH POWER TO DETERMINE AND VARY THE APPLICATION THEREOF IN HARMONY WITH THE INTENT OF THE ORDINANCE; REPEALING ORDINANCES NUMBERED 14, 21, 24, 27 AND 97; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, ARIZONA:

ARTICLE I. PURPOSE AND TITLE

Section 101. Purpose. This ordinance is for the purpose of promoting the health, safety, morals and general welfare of the citizens of the City of Scottsdale, Arizona.

Section 102. Title. This ordinance may be cited as the "Zoning Ordinance of the City of Scottsdale."

ARTICLE II. DEFINITIONS

Section 201. For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural shall include the singular; the word "building" shall include the word 'structure'; the word 'lot' shall include the word 'plot'; the word 'shall' is mandatory and not directory.

1. Accessory Building: A subordinate building, the use of which is incidental to that of the dominant use of the main building or premises including bona fide servant quarters.

2. Alley: A public thoroughfare which affords only a secondary means of access to abutting property.

3. Apartment House: See "Dwelling, Multiple."

4. Balcony: That portion of the seating space of an assembly room, the lowest part of which is raised four (4) or more feet above the level of the main floor of the building.

5. Basement: A story having part, but not more than one-half ($\frac{1}{2}$) its height below grade. A basement is counted as a story for the purpose of height regulations, if subdivided and used for business or dwelling purposes other than by a janitor employed on the premises.

6. Boarding House: A building where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons.

ARTICLE XI R-4 TOWN-HOUSE RESIDENTIAL DISTRICT

Section 1101. Purpose: Residence Town-House District is a district designed to provide large scale development of subdivisions for buildings or dwelling groups containing individual units and wherein said buildings or dwelling groups shall have individual ownerships from party wall to party wall of the dwelling units within said buildings or dwelling groups. The total subdivision area shall be large enough to permit the development of a neighborhood having a recreational area, offstreet parking for each individual unit and shall be appropriately located and in harmony with surrounding areas.

Section 1102. Use Regulations: A building or premises shall be used only for the following purposes.

1. This district is intended to permit buildings or dwelling groups containing individual units.

2. Accessory buildings and uses customarily incidental to the above uses, including a private garage.

3. Public or institutional buildings, such as hospitals, fire stations and police substations, subject to a use permit.

Section 1103. Sign Regulations: The sign regulations are as provided in Article XXIV hereof.

Section 1104. Parking Regulations: The parking regulations are as provided in Article XX hereof.

Section 1105. Height Regulations: No building shall exceed two and one-half stories, nor shall any building exceed thirty-five feet in height, except as provided in Article XXII hereof.

Section 1106. Area Regulations:

1. Lot Sizes: No dwelling shall be erected on a parcel of land that has less than forty feet frontage.

2. Front Yard (Set backs): No building or part thereof shall be erected or altered in this district that is nearer the street line upon which it fronts than 20 feet.

3. Side Yards: A side yard of at least fifteen feet is required on each corner lot. No side yards shall be required of interior lots having a common wall. A side yard of at least seven feet shall be required on interior lots, not having a common wall.

4. Rear Yards: A rear yard is required on each lot, The depth shall be not less than thirty feet from the rear property line.

5. Specific Requirements: Any development in a Residence Town-House District shall be subject to the following requirements: (a) the overall density shall not exceed one dwelling unit per 3500 square feet of land area, (b) the area proposed for development shall be not less than ten gross acres, (c) all individual units must have one or more party walls and there shall be no more than six individual units within each building or dwelling group.

Section 1107. Applications - Site Planning:

1. Any application for rezoning to Residence Town-House District shall be submitted with a tentative overall development plan which shall show (a) topography, (b) proposed street system, (c) proposed block layouts, (d) proposed reservation for parks, parkways, playgrounds, recreational areas and other open spaces, (e) offstreet

parking space, (f) types of dwelling and portions of the area proposed therefore, (g) locations of dwellings, garages and/or parking spaces, (h) a tabulation of the total number of acres in the proposed project and the per centage thereof designated for the proposed dwelling types, (i) a tabulation of overall density per gross acres, (j) preliminary plans and elevations of the several dwelling types.

2. Upon the receipt of the application for rezoning and the accompanying data as hereinabove set forth, the same shall be scheduled for public hearing by the Planning Commission in the same manner as any other request for rezoning. The Planning Commission shall consider the general plan, the location arrangement, size of lots, parks, other reservations of open space, the location, width and grade of streets, the location and arrangement of parking, the location, arrangement and height of buildings, the location, arrangement and design of the entire area, and such other features as will contribute to the orderly and harmonious development of the area, with due regard to the character of the neighborhood and its particular suitability for the proposed use.

At the public hearing, the Commission may approve the plan as submitted or may recommend that the applicant modify, alter, adjust or amend the plan and shall submit such recommendations to the City Council in the same manner as any other request for rezoning.

The City Council shall hear the matter in the same manner as provided in this Ordinance for other rezoning applications and may approve the plan submitted or before approval may require that the applicant modify, alter, adjust or amend the plan.

The Town-House plan after adoption by the City Council shall be deemed an official plan. The official plan shall be signed by the Mayor, the City Clerk and by the applicant or applicants. A copy of the official plan shall be filed with the City Clerk and a copy of the same shall be filed in the office of the Planning Commission.

An official plan for an area included in this zone may be amended, the procedure therefore to be the same as in the case of any zoning application.

Section 1108. Building Permits: Each applications for a building permit for a Town-House Residential development shall be accompanied by the finally approved officially signed site plan unless one is already on file.

ARTICLE XII R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Section 1201. Purpose: This district is intended to permit single and multiple family dwellings; plus apartment houses, court apartments, and boarding or lodging houses which, with the additional height of buildings allowed, provide a high density of population. This is not entirely a residential district as it includes some public and semi-public, institutional and other transitional use. The district, however, is basically residential in character.

Section 1202. Use Regulations: A building or premises shall be used only for the following purposes:

1. Any use permitted in the R1-43 Single-Family and R-2 Two-Family Residential Districts, including those subject to a use permit without a use permit, unless a use permit is specifically required under this section.

2. Multiple Family dwelling

3. Boarding and lodging house

4. Private clubs, fraternity, sorority and lodge excepting those the chief activity of which is a service, customarily carried on as a business, subject to a use permit.

the occupancy of the building structure or land; (3) to prevent any illegal act, conduct, business or use in or about the premises; or, (4) to restrain, correct or abate the violation. When any such action is instituted by an owner or tenant, notice of such action shall be served upon the municipality at the time suit is begun, by serving a copy of the complaint on the chief executive officer of the municipality, no such action may be maintained until such notice has been given.

In any such action or proceeding, the court with jurisdiction thereof has the power and in its discretion may issue a restraining order, or a preliminary injunction, as well as a permanent injunction, upon such terms and under such conditions as will do justice and enforce the purpose of this ordinance.

ARTICLE XXXIV. REPEAL. VOID PARTS, SAVING CLAUSE, EFFECTIVE DATE

Section 3401. All ordinances or parts or ordinances in conflict herewith are hereby repealed, including but not limited to Ordinances No. 14, 21, 24, 27 and 97.

Section 3402. If any provision of this ordinance be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end, the provisions of this ordinance are declared to be severable.

Section 3403. This ordinance shall be in full force and effect from and after its passage, approval and publication, as required by law.

Section 3404. The City Clerk is hereby directed to cause this ordinance to be published for the purpose of sale at the uniform price of one dollar.

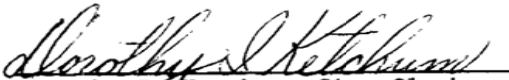
Section 3405. The repeal of the ordinances or parts thereof specified in Section 3401 of this article shall not affect suits pending or rights existing immediately prior to the effective date of this ordinance; (2) impair, avoid, or affect any grant or conveyance made or right acquired or cause of action now existing under any such repealed ordinance or amendment thereto; or, (3) affect or impair the validity of any bond or other obligation issued or sold in constituting a valid obligation of the issuing authority immediately prior to the effective date of this ordinance.

WHEREAS, it is necessary for the preservation of the public health, safety and welfare that this Ordinance become effective immediately upon its passage, an EMERGENCY is hereby declared to exist.

PASSED, APPROVED AND ADOPTED by the Council of the City of Scottsdale this 13th day of September, 1962.


William P Schrader, Mayor

ATTEST:


Dorothy L. Ketchum, City Clerk

Approved as to form:

Osmond Burton, Jr., City Attorney

S&W

Zoning Group

Heather Dukes, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Cody White
Urban Planner

Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

Exhibit B

August 20, 1968 City Council Minutes

12-BA-2020

August 20, 1968

The regular meeting of the Scottsdale Mayor and Council was called to order by Mayor B L Tims at 8:00 P.M., Tuesday, August 20, 1968 in the Council Chambers.

Roll Call

Present: Mayor B L Tims
Councilmen Robert Jones Ken Murray
Doris McCauley
Assistant City Manager Dale Carter
City Attorney Richard Filler
City Clerk Fern Anderson
Absent: Councilmen William Jenkins, Leonard Johnson and John Senini

The invocation was given by Rev. Joe Parshall, Valley Plaza Methodist Church.

Parks and Recreation Commission Chairman Marie Levang introduced officials of the Scottsdale Swim Team Parents Club who presented a pool heater for the Eldorado Park swimming pool purchased by funds received through the efforts of the club. Mayor Tims accepted the gift with pleasure and gratitude, and praise for the work of the group.

The minutes of August 6, 1968 were approved on motion of Doris McCauley, second by Ken Murray, passed by unanimous vote.

Upon the recommendation of the Finance Committee, 1967-68 Claims 9004-9046 and 1968-69 Claims 145-263 were approved on motion of Doris McCauley, second by Ken Murray, passed by unanimous vote.

Upon the recommendation of the Council subcommittee, Gerald Davis was appointed City Treasurer, the compensation to be \$300 per month for a 40 hour month, \$8 per hour for every hour over 40 hours as authorized by the Mayor, on motion of Robert Jones, second by Doris McCauley, passed by unanimous vote.

The liquor license application of Marquerite Yde, Papago Liquors, 7117 E McDowell, was approved for a 'do pass' recommendation on motion of Ken Murray, second by Doris McCauley, passed by unanimous vote.

15-2-68--NW of Jackrabbit and Scottsdale, R4R to R4, continued August 6th for further study, was again presented to the Council.

Representative Attorney Philip Von Anmon felt that the Council was fully informed as to the intent and objectives of the developer; there had been discussions with the staff and the Council since the last hearing; he knew that the Council was concerned with the setbacks in its desire to maintain an attractive, wide corridor on north Scottsdale Road. As a resident of Paradise Valley and a member of its Council, he preferred the alternative of townhouses as compared with a resort type development for a townhouse would have the stability of ownership and the density would be lower; a resort would bring people in and out for the various services allowed in resort zoning; he thought such a development would be welcomed by his town as an attractive alternative and would be, in a sense, an upgrading of land use. He was injecting a personal view but Scottsdale Road had been of interest to the two cities and his people were more fearful of a resort motel-type of use than of a townhouse one. The architect displayed a floor plan to the Council and said that any second story addition would be a bedroom suite only.

Considering that Scottsdale Road would be the main arterial between the northern undeveloped and the southern developed portion of the City, Mr Fretz was asked if he felt that the proposed 50' setback, properly landscaped, would be adequate; and would going to R4 set a precedent to the point where the south end of the property and the property across the street could demand the same R4 zoning.

Mr. Fretz thought that the 50' with no parking and landscaped across the entire frontage would be as effective in creating the boulevard effect. There would be a 130' r/w and with 50' on each side there would be 230', approximately the width of early freeway development in California. From this it could be assumed that there would be a very wide vista and a boulevard effect. The median in itself would give that kind of effect properly landscaped so he felt that 50' on either side through the length of Scottsdale would achieve the desired result.

In an initial rezoning there was little question that a precedent would be set. To get the same standard in a future development was assured in that prior to or with the application for rezoning, a development plan must be submitted rather than the detailed site plan which must follow. It seemed to him that any subsequent application for R4 could be rejected by the Council if it was not up to standard. The setback could be fortified by including in the specific heights and area regulations a setback for specific streets over and above that which is normally thought of.

Paul Chenoweth, 6501 E Paradise Drive, was opposed to the application based on the premise that it did not follow the master plan and that he feared the townhouses would increase the density.

Mr. Fretz explained the density that could occur as presently zoned and what the developer planned to do. The present zoning of R4R would permit, besides commercial facilities which could include restaurants, 10 units per acres. The R4 allowed 3500 sq ft per unit or 10 to the acres. On this development the density would be 3.9 per acre. The R4R was in an R1-43 area so in his opinion it was not an increase but a reduction in density.

Mr. Von Ammon said that the anticipated price of the townhouses would be approximately \$38,000 per unit and he also wished to point out that the owner of the property could have applied for a building permit for a resort hotel or motel like those on Scottsdale Road which permits public restaurants, bars, entertainment, related retail services and transient personnel. They are a vital and pertinent part of the economy but from the point of view of attractiveness of development and stability of population there was no comparison between permanent residences and transient facilities. In a 100' setback there would be a sea of cars, not a green belt. Villa Monterey, a very desirable and attractive place, had 8½ dwellings to the acre. If this development was a success further construction of this nature might take place rather than use the R4R on the balance of the property. He wanted Scottsdale to prosper so that Paradise Valley could enjoy the benefits.

The owner agreed to place on file an application to zone the property back to R4R if development did not take place within one year from this date.

Mr. Fretz said that it was the Planning Commission's intent to use the general plan as a guide and, lest the people felt it was not being done, he pointed out that Lincoln Drive around Mountain Shadows and Camelback Inn was resort residential, acre zoning and town house development all living very happily together; an area very much admired, was beautiful and compatible and it was his feeling that if the R4 was approved that it be considered synonymous with R4R and that the general

plan and text be changed to reflect the interchangeability of these two types of uses.

Doris McCauley moved that the staff be instructed to prepare a map and ordinance to change the property described in 15-2-68 from R4R to R4 and that an application for rezoning to R4R be filed, signed and dated a year from this date, second by Ken Murray, passed by unanimous vote. Mr. VonAmmon said his client would file the application August 21, 1968.

Villa Monterey 7-1 final plat: Representative Clyde Fritz was concerned about the street tree requirement as the underground utilities were 3' behind the walk. His firm planted a great many trees in their developments and he asked if they would be allowed to use the 17 trees in the planting strip along the west line of 76 St, a 20' strip along the subdivision. Mr. Fritz said that one of the values of street trees was the design element to unify the street and Villa Monterey did this through plantings, use of materials and gas lights and he suggested that there be a waiver of the street tree requirement in this situation and that they be planted along Miller Road.

Robert Jones moved that the plat be approved with the stipulation suggested by Mr. Fritz, second by Doris McCauley, passed by unanimous vote.

The Paradise Memorial Gardens was granted a 6-month extension on its Use Permit on motion of Ken Murray, second by Doris McCauley, passed unanimously.

Walter Stephenson, representing the Arizona Chapter of the National Electrical Contractors Association, asked the Council to reconsider some of the elements of the proposed underground electrical ordinance as he was concerned about the lack of a requirement for adequate conduits under private property. Mayor Tims said that the Council had received several letters concerning the ordinance and his suggestions would be considered along with these.

Bid 69-101--13 two-way radios--were awarded to the lowest and best bidder, Motorola, on its alternate bid, in the amount of \$6547.06, on motion of Doris McCauley, second by Robert Jones, passed unanimously.

Bid Call 69-103--back hoe and turf tractor, was removed from the agenda.

Bid Call 69-104--8 pick-up trucks--was authorized on motion of Doris McCauley, second by Ken Murray, passed by unanimous vote.

Bid Call 69-105--2 diesel operated chippers--was authorized on motion of Doris McCauley, second by Robert Jones, passed unanimously.

The Mayor and City Clerk were authorized to enter into an agreement with Paradise Valley Water Company to provide water to McCormick Park on motion of Doris McCauley, second by Ken Murray, passed by unanimous vote.

A modification of the agreement with SRP to provide dusk to dawn lights at Chesnutt Park was authorized on motion of Ken Murray, second by Doris McCauley, passed by unanimous vote.

Ferguson Eng. was authorized to proceed with the design of the street improvements on McDonald Drive on motion of Doris McCauley, second by Ken Murray, passed by unanimous vote.

S&W

Zoning Group

Heather Dukes, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Cody White
Urban Planner

Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

Exhibit C

Ordinance No. 410

12-BA-2020

ED, THE ZONING DISTRICT MAP, FOR THE PURPOSE OF CHANGING THE ZONING ON THE "DISTRICT MAP" TO THAT ZONING SHOWN ON ZONING MAP NO. 135; AND DECLARING AN EMERGENCY.

WHEREAS, Zoning Case No. 15-Z-68 has been properly noticed for public hearing, pursuant to the requirements of the Scottsdale Zoning Ordinance and the statutes of the State of Arizona, and the necessary hearings thereupon have been completed, and

WHEREAS, the Council of the City of Scottsdale instructed the Planning Staff to prepare an ordinance and map changing the zoning on the property described in Application No. 15-Z-68, as requested by the applicant, and

WHEREAS, it is now necessary that the comprehensive zoning map of the City of Scottsdale be amended to conform with the aforesaid decision of the Scottsdale City Council,

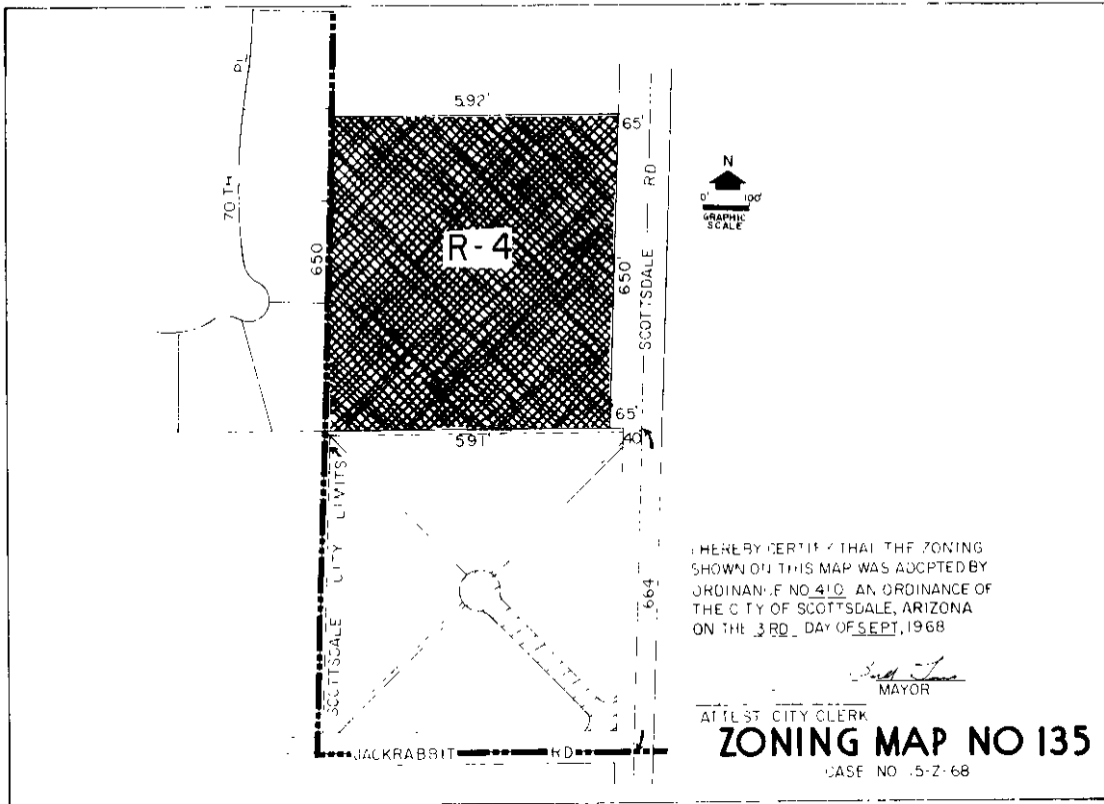
NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Scottsdale, Arizona, that the "District Map" described in Article III, Section 302 of Ordinance No. 147, as amended, showing the zoning district boundaries in the City of Scottsdale, be, and it is hereby amended as shown on Zoning Map No. 135. Zoning Map No. 135, and all notations, references and other information shown thereon is attached hereto and is hereby incorporated as a part of this ordinance and shall have the same force and effect as if the said Zoning Map No. 135 was fully set forth herein.

WHEREAS, the immediate operation of the provisions of this ordinance is necessary for the preservation of the public peace, health, safety and welfare, an EMERGENCY is hereby declared to exist and this ordinance shall be in full force and effect from and after its final passage and adoption by the City Council and approval by the Mayor.

PASSED AND ADOPTED by the Council of the City of Scottsdale and APPROVED by the Mayor this 3rd day of September, 1968.

Keh Murray
Keh Murray, Vice Mayor

Attest:



I HEREBY CERTIFY THAT THE ZONING
SHOWN ON THIS MAP WAS ADOPTED BY
ORDINANCE NO. 410, AN ORDINANCE OF
THE CITY OF SCOTTSDALE, ARIZONA
ON THE 3RD DAY OF SEPT, 1968

Scott J. Jones
MAYOR

ATTEST CITY CLERK

ZONING MAP NO 135

CASE NO. 15-2-68

S&W

Zoning Group

Heather Dukes, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Cody White
Urban Planner

Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

Exhibit D

September 3, 1968 City Council Minutes

12-BA-2020

CITY COUNCIL MEETING
September 3, 1968

6-SP-68 - NW Jackrabbit and Scottsdale Road--townhouses--was approved by the Planning Commission subject to the following: wall treatment along perimeter and landscape plan, plan showing what trees will be saved to be approved by the Planning Director; development standards re setbacks, etc. shall conform to ordinance at time building permits are requested; subdivision plats shall be approved; buildings shall substantially conform to this application; construction shall commence within 6 months of Council approval of the final plat.

Planning Director Fretz reviewed the rezoning which had been approved by the Council prior to the site plan application and that, following the Council's request for a wider setback from Scottsdale Road that at first proposed, noted that the minimum setback from any unit was now 50' and 100' to the units directly opposite the entrance driveway.

Rep. Attorney Von Ammon assured the Council that the application to rezone the property back to its original R4R had been filed and would be activated if development had not begun within a year from August 20th.

John Senini moved that the site plan be approved as recommended by the Planning Commission, second by William Jenkins, passed by unanimous vote.

S&W

Zoning Group

Heather Dukes, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Cody White
Urban Planner

Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

Exhibit E

August 29, 1968 Letter to Mayor

12-BA-2020

CITY OF SCOTTSDALE, ARIZONA
PLANNING DEPARTMENT

August 29, 1968

The Hon. Mayor and City Council
City of Scottsdale, Arizona

Re: 6-SP-68 - Development of Townhouses - W. side Scottsdale
Rd. North of Jackrabbit - (Coldwell Banker & Co.)

Gentlemen:

The Planning Commission held a public hearing on the above application on Tuesday, August 27, 1968. There were no protests.

Upon motion by Mrs. Cusack, seconded by Mr. Arthur, and unanimously passed, 6-SP-68 was recommended to the City Council for approval, subject to the following stipulations:

1. Wall treatment along perimeter and detailed landscape plan shall be subject to approval of Planning Director.
2. Tree plan showing what existing trees will be saved shall be approved by Planning Director.
3. Development standards re setbacks, etc. shall conform to ordinance requirements at time building permits are requested.
4. Subdivision plat shall be approved.
5. Buildings shall substantially conform to character represented with this application.
6. Construction shall commence within six months of date of Council approval of final plat.

Public hearing is scheduled for your Council meeting of September 3, 1968.

Respectfully submitted,

Dorothy L. Maher
Dorothy L. Maher, Secretary
Planning Commission

S&W

Zoning Group

Heather Dukes, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Cody White
Urban Planner

Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

Exhibit F

1968 Subdivision Plat for Scottsdale North

12-BA-2020

SCOTTSDALE NORTH

A SUBDIVISION OF A PORTION OF THE N.E. 1/4, S.E. 1/4, N.E. 1/4, SEC. 15
T-2-N., R-4-E., G.&S.R.B. & M., MARICOPA COUNTY, ARIZONA

206585

INDEXED
PAGE

STATE OF ARIZONA
County of Maricopa
I hereby certify that the within instrument was filed and recorded at request of
CITY OF SCOTTSDALE
DEC 5 '68-9-15
on page 121-7
By my hand and official seal the day and year aforesaid.
Clifford M. Waddell
County Recorder
By E. M. Stenjesen, Jr.
Deputy Recorder

121-7

UNSUBDIVIDED

— DEDICATION —

KNOW ALL MEN BY THESE PRESENTS:

That Madison Investments Corporation, an Arizona Corporation, as Owner and Continental National Bank, a National Banking Association, as Mortgagee, have subdivided under the name of SCOTTSDALE NORTH, a portion of the N.E. 1/4, S.E. 1/4, N.E. 1/4, Sec. 15, T-2-N., R-4-E., G.&S.R.B. & M., Maricopa County, Arizona, as shown platted hereon and hereby publishes this plat as and for the plat of said SCOTTSDALE NORTH and hereby declares that said plat sets forth the location and gives the dimensions of the lots, tract and street constituting same and that each lot, tract and street shall be known by the number, letter or name given to each respectively on said plat and hereby dedicates to the public for roadway use as such, that portion of Scottsdale Road not previously dedicated, as shown on said plat and included in the above described premises. There is hereby granted over that portion of the premises identified as Tract "A", an easement for public utilities, for emergency and refuse collection vehicles access only, and to the uses shown in the Declaration of Covenants, conditions and restrictions for Scottsdale North to be hereafter recorded. Tract "A" is not otherwise dedicated to the public for its use.

IN WITNESS WHEREOF:

Madison Investments Corporation, an Arizona Corporation, as owner, has caused its corporate name to be signed and its corporate seal to be affixed by the undersigned officer thereunto duly authorized.

Dated this 21st day of November, 1968.

MADISON INVESTMENTS CORPORATION

By: E. M. Stenjesen, Jr.
President

Attest: Julius E. M. Ammon
Secretary

— ACKNOWLEDGMENT —

State of Arizona
County of Maricopa

Before me this 21st day of November, 1968, personally appeared E. M. Stenjesen, Jr., who acknowledged himself to be the President of Madison Investments Corporation, an Arizona Corporation, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the Corporation, by himself as such officer.

My commission expires Oct. 31, 1969

Margaret H. Paddicks
Notary Public

IN WITNESS WHEREOF:

Continental National Bank, a National Banking Association, being the Mortgagee under that certain realty mortgage dated August 6, 1968 and recorded August 14, 1968 in Dkt. 1212, Page 597, of Records of the Recorder of Maricopa County, Arizona, wherein Madison Investments Corporation, is Mortgagee, hereby consents to the filing of this Map of Subdivision and to the dedications contained herein and hereby releases the lien of said mortgage from such portions of the property described herein as are dedicated to public use.

Dated this 26th day of November, 1968.

CONTINENTAL NATIONAL BANK

By: [Signature]
President

Attest: [Signature]
Secretary

— ACKNOWLEDGMENT —

State of Arizona
County of Maricopa

Before me this 26th day of November, 1968, personally appeared J. E. Besham, who acknowledged himself to be the President of Continental National Bank, a National Banking Association, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the Bank, by himself as such officer.

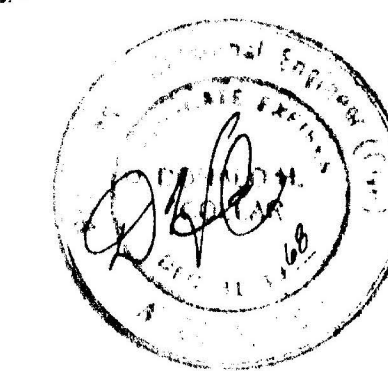
My commission expires Oct. 14, 1972

Nancy M. Fuller
Notary Public

CERTIFICATION

This is to certify that the survey and subdivision of the premises described and platted hereon, was made under my direction during the month of Oct., 1968.

Ronald J. Callan
Registered Civil Engineer
10/24/68
Date



Collar, Williams & White Engineering, Inc.

2922 N. 70TH ST.
SCOTTSDALE, ARIZONA
JOB NO. 680905

HIDDEN VILLAGE ELEVEN BK. 81, PG. 29, M.C.R.

S.E. Cor.
Hidden Village
Eleven and
Cor. this
Subdivision
for Pipe

APPROVAL

RANCHOS PEQUEÑOS BK. 50, PG. 50, M.C.R.

CERTIFICATION

I hereby certify that this plat substantially conforms to the approved preliminary plat.

[Signature]
Planning Director

I hereby certify that the survey and subdivision of the premises described and platted hereon, was made under my direction during the month of Oct., 1968.

Daniel C. Gandy
City Engineer

12-2-68
Date

12-3-68
Date

Approved on the Board of the City of Scottsdale, Arizona,
this 5th day of November, 1968.

By: [Signature]
Mayor

S&W

Zoning Group

Heather Dukes, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Cody White
Urban Planner

Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

Exhibit G

Ordinance No. 455

12-BA-2020

ORDINANCE NO. 455

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, COMPREHENSIVELY AMENDING ORDINANCE NO. 147, AS AMENDED, ESTABLISHING LAND USE CLASSIFICATIONS: DIVIDING THE CITY INTO DISTRICTS; IMPOSING REGULATIONS, PROHIBITIONS AND RESTRICTIONS FOR THE PROMOTION OF HEALTH, SAFETY, MORALS, CONVENIENCE AND WELFARE; GOVERNING THE USE OF LAND FOR RESIDENTIAL AND NON-RESIDENTIAL PURPOSES; REGULATING AND LIMITING THE HEIGHT AND BULK OF BUILDINGS AND OTHER STRUCTURES; LIMITING LOT OCCUPANCY AND THE SIZE OF YARDS AND OTHER OPEN SPACES; ESTABLISHING STANDARDS OF PERFORMANCE AND DESIGN; ADOPTING A MAP OF SAID LAND USE DISTRICTS; CREATING BOARDS AND DEFINING THE POWERS AND DUTIES OF SAID BOARDS; PRESCRIBING PROCEDURES FOR CHANGES OF DISTRICTS, CONDITIONAL USE PERMITS, VARIANCES, AND OTHER PERMITS; PRESCRIBING PENALTIES FOR VIOLATIONS OF SAID ORDINANCE; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED by the Mayor and Council of the City of Scottsdale, Arizona, as follows:

Ordinance No. 147 of the City of Scottsdale, as amended, is hereby comprehensively amended to read as follows; and the District Map, as amended, is hereby comprehensively amended by Maps 1 and 2 dated June 17, 1969 which are incorporated herein and by this reference made a part hereof:

ARTICLE I - ADMINISTRATION

Section 1.100 Purpose and Title

- A. Purpose: For the purpose of promoting and protecting the public health, safety, morals and welfare of the citizens of the City of Scottsdale and to provide for the social, physical and economic advantages resulting from comprehensive and orderly planned use of land resources, a Zoning Ordinance and District Map are hereby established and adopted by the City Council.
- B. Title: This ordinance may be cited as the "Zoning Ordinance of the City of Scottsdale".

Section 5.800 (R-4) Townhouse Residential DistrictSection 5.801 Purpose

This district is intended to provide for relatively low density development having individual ownership and built-in privacy either in the form of party wall construction of enclosed yards and courts.

Section 5.802 Site Plan Approval

No structure or building shall be built upon land in the R-4 District until approval of a site plan has been obtained as outlined in Article 11, Section 2.300 hereof.

Section 5.803 Use RegulationsA. Permitted Uses

Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Single family dwellings having either party walls or walled courtyards.
2. Accessory buildings and uses customarily incident to the permitted uses, including private garage and swimming pool.

B. Permitted Uses by Conditional Use Permit

1. Church
2. Temporary sales office buildings and model homes.

Section 5.804 Property Development Standards

The following property development standards shall apply to all land and buildings in the R-4 District.

A. Lot area

To be as determined by site plan approval.

B. Lot dimensions

To be as determined by site plan approval.

C. Density

1. The overall density shall not exceed one (1) dwelling unit per three thousand five hundred (3,500) square feet of land area.

2. A minimum of ten percent (10%) of the total gross land of the development shall be set aside for recreation uses or other common landscaped areas unless the City Council finds that either the nature of the development or its location does not require said areas.

- a. All accessory buildings for recreational purposes shall not occupy more than fifteen percent (15%) of the total area reserved for recreation uses, and other common landscaped areas.

D. Building height

1. The building height shall be as determined by site plan approval except that no building shall exceed thirty (30) feet in height and except as otherwise provided in Article VII.
2. If the R-4 development abuts a single-family residential district or an alley abutting a single-family residential district, the City Council may limit the building height to one (1) story as determined by site plan approval.

E. Yards

1. No building or part thereof shall be erected or altered in this district that is nearer a dedicated street than fifteen (15) feet except that the average setback from any dedicated street shall be twenty (20) feet.

EXCEPTION:

- a. Where there is no entry into a garage or carport from said dedicated street the setback shall be not less than ten (10) feet.
- b. Where a lot is located at the intersection of two (2) or more streets the setback on one (1) street shall be not less than ten (10) feet.

2. There shall be a yard on the perimeter of the development equal to the yard required on any contiguous residentially zoned land, or as determined by site plan approval.

F. Distance between buildings

There shall be forty (40) feet between the main buildings which front on dedicated or private streets. All buildings shall be a minimum of fourteen (14) feet apart on contiguous parcels.

G. Buildings, Walls and Fences and Landscaping

1. Walls, fences and hedges not to exceed eight (8) feet in height may be permitted on the property line or within the required areas, except as otherwise provided in Article VII.
2. The height, type of construction, and number of units within one (1) dwelling group shall be as determined by site plan approval upon recommendation of the Fire Chief.
3. Any part of the common area not used for buildings or other structures, loading and access ways, parking areas or pedestrian walks shall be landscaped and maintained with grass, trees, shrubs or any other appropriate landscaping.
4. Swimming pools shall be screened from adjacent properties by a protective fence or permanent structure not less than four and one-half ($4\frac{1}{2}$) feet in height. The swimming pool shall be protected by a protective enclosure which shall be controlled by the use of self-closing gates with self-latching devices.

H. Access

Access shall be as determined by site plan approval.

Section 5.805 Off-Street Parking

The provisions of Article IX shall apply.

Section 6.806 Signs

The provisions of Article VIII shall apply.

Section 5.807 Site Plan Approval

No structure or building shall be built upon land in the R-4 District until approval of a site plan has been obtained as outlined in Article II.

- A. The Planning Commission or City Council may require any application for rezoning to residence townhouse district to be accompanied by a tentative over all development plan which shall show the following:


1. Topography.
2. Proposed street system.
3. Proposed block layouts.
4. Proposed reservation for parks, parkways, playgrounds, recreation areas and other open spaces.

5. Off-street parking space.
 6. Types of dwelling and portions of the area proposed therefor.
 7. Locations of dwellings, garages and/or parking spaces.
 8. A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed dwelling types.
 9. A tabulation of over all density per gross acres.
 10. Preliminary plans and elevations of the several dwelling types.
- B. The approved site plan must substantially conform to the plan submitted at the time of rezoning.

Section 5.808 Building Permit

Each application for a building permit for a town-house residential development shall be accompanied by the finally approved officially signed site plan unless one is already on file.

PASSED AND ADOPTED by the Council of the City of Scottsdale and
APPROVED by the Mayor this 17th day of JUNE, 1969.


B. L. Tims, O.D., Mayor

Attest:


Fern Anderson, City Clerk

S&W

Zoning Group

Heather Dukes, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Cody White
Urban Planner

Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

Exhibit H

1969 Building Permit for Lot 12, Scottsdale North

12-BA-2020

Application to Construct - Repair - Demolish and for Certificate of Occupancy

City of Scottsdale

Division of Building Inspection

004202

1 LEGAL DESCRIPTION	LOT	BLOCK
	LOT 12-Plan C	

SUBDIVISION

Scottsdale North

2 BUILDING ADDRESS

5648 N. Scottsdale Rd.

3 USE OF NEW BUILDING

Four House Dwelling

4 PRESENT USE OF EXISTING BUILDING

5 NEW USE OF EXISTING BUILDING

6 OWNER'S NAME

Madison Investments

7 OWNER'S ADDRESS

120 W. 3rd Ave

8 ARCHITECT

PHONE

ENGINEER

PHONE

9 CONTRACTOR

LICENSE NO.

PHONE

Stenson Bldg. Corp

947-5741

10 CONTRACTOR'S ADDRESS

SCOTTSDALE BUS. LICENSE NO.

P.O. Box 1485

11 SIZE OF NEW BUILDING

SIZE OF EXISTING BUILDING

HEIGHT

STORIES

2500 sq ft.

12'

1

12 MATERIAL: ☐ WOOD ☐ METAL ☒ CONC. BLOCK

ROOF: ☒ WOOD ☐ STEEL

ROOFING

EXT. WALLS: ☐ STUCCO ☐ BRICK ☐ CONCRETE

CONST: ☐ CONCRETE

B/U

13 VALUATION

\$18,000.00

DWELLING UNITS

1

14 SIZE OF ADDITION

STORIES

HEIGHT

PARKING SPACES

2

If permission to occupy street or alley during construction is granted, the occupant thereby agrees to promptly carry out all laws governing same, and to hold the City harmless from any costs, damages or claims.

APPLICATION APPROVED

INSPECTOR

OCCUPANCY

TYPE

I

V

The issuance of this permit shall not be considered as an adoption by the inspector of the manifested technical construction contained in the plans and specifications, if thereafter it can be shown that any portion of the work is in conflict with any portion of the ordinances. It is agreed that this work will be done in conformity with the laws of the City of Scottsdale, Maricopa County and State of Arizona.

0068.00Pt

SIGNED

OWNER, ARCHITECT, CONTRACTOR

PERMIT FEE: 68.00

P. C.

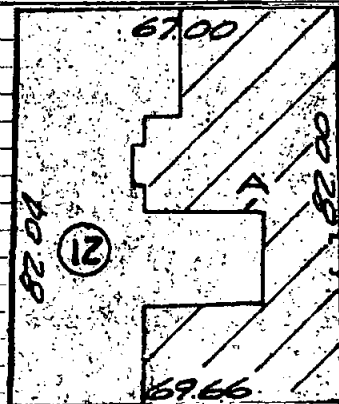
DATE

12/17/69

THIS FORM WHEN PROPERLY SIGNED AND VALIDATED
IS A PERMIT TO DO THE WORK DESCRIBED

Plot Plan

Show Location of Proposed Building
and Every Existing Building on Property



S&W

Zoning Group

Heather Dukes, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Cody White
Urban Planner

Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

Exhibit I

Variance for Lot 13, Scottsdale North

12-BA-2020

No questions were asked of Mr. Wellman.

Mr. Brand moved that the variance be granted as requested and Mrs. Zeeveld seconded. The motion carried 6-0.

Case 35-BA-82 - Setback 5652 N. Scottsdale Road (Pearl Pegler)

Applicant is requesting a variance to reduce rear yard setback from 15 ft. to 5 ft. Scottsdale Zoning Ordinance requires a rear yard setback of 15 ft. shall be maintained for single family structure when an R-4 development abuts a R-1 district. Amount of variance: 10 ft. at 5652 N. Scottsdale Road, City of Scottsdale.

Mr. Gahl stated that the applicant wishes to construct an addition to her home 10 ft. into the required rear yard. A wall between the adjacent neighbor's houses and the applicant's already exists. An on-site inspection indicates that the addition wouldn't be very noticeable to a neighbor or the public in the Scottsdale North subdivision so the staff recommends approval of the variance as requested.

Jerry Kadansky appeared on behalf of Mrs. Pegler. His letter of authorization had been previously received by the Board.

No questions were asked of the staff or Mr. Kadansky.

Mrs. Zeeveld moved the variance be granted as requested. Mr. Ringer seconded the motion which carried 6-0.

Case 36-BA-82 - Floor Area 4235 N. Marshall Way (C.G. Rein)

This case was continued to June 2, 1982.

Case 37-BA-82 - Sign NW corner of 96th & Shea (S. Cal District Lutheran Church)

The applicant wishes to install a development sign that would contain information directing the public to the place where church services are being held during new church construction.

The sign ordinance prohibits off-premise signs. Also, a development sign is supposed to be used to provide information for the public to contact the developer.

The staff recommends denial of the variance based on the ordinance and because they believe the proposed sign contains too many words and would be difficult to read by passing motorists and would be distracting to traffic safety.

Reverend Eugene A. Byer, pastor of the church, was in attendance to present the case. Mr. Byer pointed out that the Scottsdale Executive Office Park where the congregation is now meeting will not allow a sign to be placed in front of it advertising the church times and meeting place except from 9-11 a.m. on Sunday. He therefore felt it necessary that the information

S&W

Zoning Group

Heather Dukes, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Cody White
Urban Planner

Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

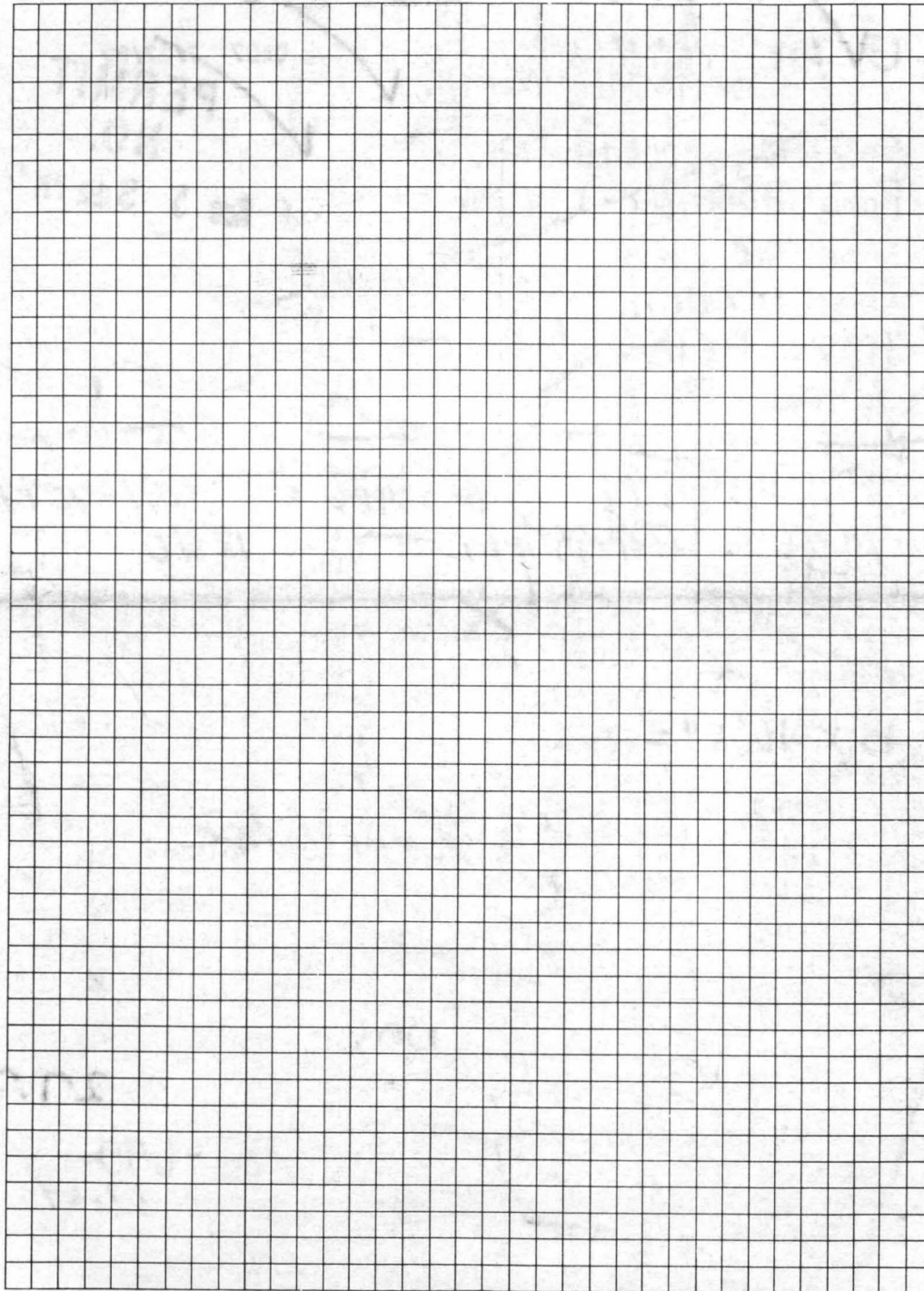
Exhibit J

Building Permit for Lot 13, Scottsdale North

12-BA-2020

PLOT PLAN

Show Location of Proposed Building
and Every Existing Building on Property



Application to Construct - Repair - Demolish and for Certificate of Occupancy

City of Scottsdale

Division of Building Inspection

1. LOT NO. / BOOK NO. / MAP NO. / PARCEL NO. 131/121 PG. 7		0407		2/27/02		17.64 TL	
2. SUBDIVISION & LEGAL DESCRIPTION Scottsdale North. ✓		3. BUILDING ADDRESS 5652 N. Scottsdale Rd. ✓		4. USE OF NEW BUILDING Room Addition - Livable		ZONE 332PH1A	
5. PRESENT USE OF EXISTING BUILDING Residence		6. NEW USE OF EXISTING BUILDING Room Addition		7. OWNER'S NAME Pearl Peeler		PARKING SPACES	
8. OWNER'S ADDRESS Same		9. OWNER'S ADDRESS Same		10. OWNER'S ADDRESS Same		INSIDE LOT <input type="checkbox"/> CORNER LOT <input type="checkbox"/>	
11. ARCHITECT Jerny Adamstuy		12. CONTRACTOR Jerny Adamstuy		13. CONTRACTOR'S ADDRESS 7432 E. Wetherfield		ZIP CODE	
14. ARCHITECT PHONE		15. CONTRACTOR LICENSE NO. B-52466		16. CONTRACTOR'S PHONE 991-7077		SCOTTSDALE BUS. LICENSE NO. 18310	
17. SIZE OF NEW BUILDING		18. SIZE OF EXISTING BUILDING		19. HEIGHT		STORIES	
20. MATERIAL <input type="checkbox"/> WOOD <input type="checkbox"/> METAL <input type="checkbox"/> CONC. BLOCK <input type="checkbox"/> ROOF: <input type="checkbox"/> WOOD <input type="checkbox"/> STEEL <input type="checkbox"/> ROOFING		21. EXT. WALLS <input type="checkbox"/> STUCCO <input type="checkbox"/> BRICK <input type="checkbox"/> CONCRETE		22. CONST: <input type="checkbox"/> CONCRETE		23. VALUATION	
24. SIZE OF ADDITION 15 X 16' 8" = 252		25. STORIES		26. HEIGHT		DWELLING UNITS	
27. APPROVALS		28. BLDG. INS. 8/15/82		29. PLANNING 8/15/82		OCCUPANT LOAD	
30. ENGINEERING F.F. EVALUATION MATCH EXISTING		31. EASEMENTS None		32. SEWER DEV. FEE		WATER METER SIZE	
33. REFUSE CONT. FEE		34. FIRE HYDR. FEE		35. BLDG. PERMIT FEE		WATER METER FEE	
36. BLDG. PERMIT FEE		37. SEWER DEV. FEE		38. WATER METER FEE		WATER DEV. FEE	
39. BLDG. PERMIT FEE		40. SEWER DEV. FEE		41. WATER METER FEE		WATER DEV. FEE	

If permission to occupy street or alley during construction is granted, the occupant thereby agrees to promptly carry out all laws governing same, and to hold the City of Scottsdale harmless from any costs, damages or claims.

F.F. ELEV TO MATCH EXISTING RESIDENCE.

The issuance of this permit shall not be considered as an adoption by the inspector of the manifested technical construction contained in the plans and specifications, if thereafter it can be shown that any portion of the work is in conflict with any portion of the ordinances. It is agreed that this work will be done in conformity with the laws of the City of Scottsdale, Maricopa County and State of Arizona.



SIGNED _____
Owner, Architect, Contractor

THIS FORM WHEN PROPERLY SIGNED AND VALIDATED IS A PERMIT TO DO THE WORK DESCRIBED.

CB4-0530 (3/77)

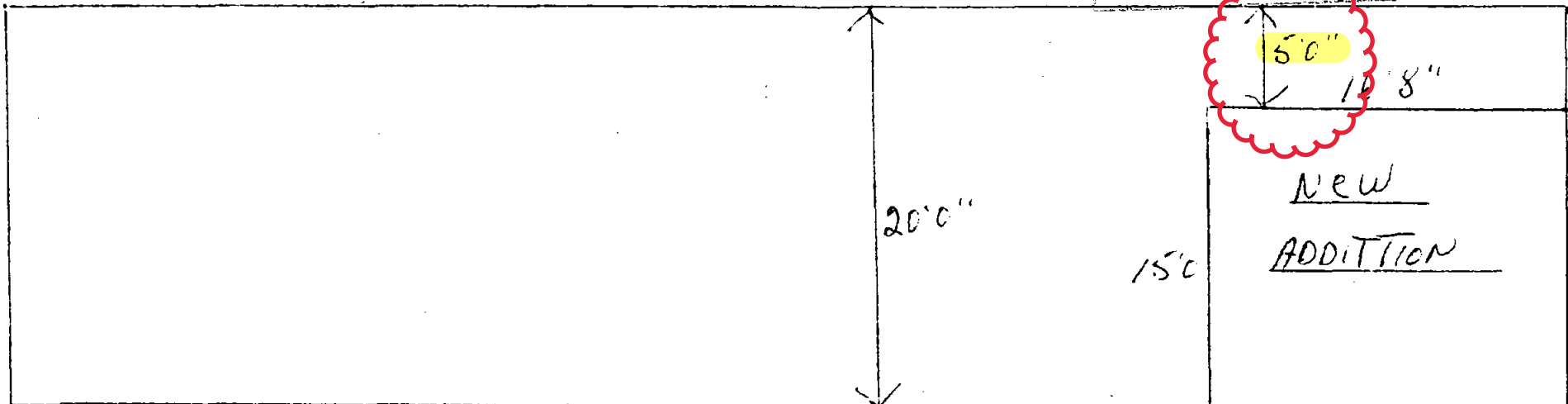
P.C. # 82-695

PLAN CHECK FEE: 17.64

SUPPLEMENTAL P.C. FEE: _____

8207

Permit # 41265



EXISTING Home

LOT 13 - BOOK 121 - PAGE 7 SITE PLAN

APPROVED

BY THE CITY OF SCOTTSDALE PLANNING DEPARTMENT

Building materials to match existing

02-695
CITY OF SCOTTSDALE

JH
CITY OF SCOTTSDALE

8/1/02
DATE:

CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SCOTTSDALE AND ALL DEVIATIONS WILL REQUIRE REAPPROVAL

89.00

6966

82-1025 Planning 67.00

S&W

Zoning Group

Heather Dukes, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Cody White
Urban Planner

Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

Exhibit K

Resolution No. 8947 (7-TA-2010)

12-BA-2020

RESOLUTION NO. 8947

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK OF THE CITY OF SCOTTSDALE AND ENTITLED "DEFINITIONS GROUP 4 OPEN SPACE - 7-TA-2010."

WHEREAS, State Law permits cities to declare documents a public record for the purpose of incorporation into city ordinances; and

WHEREAS, the City of Scottsdale wishes to incorporate by reference amendments to the Zoning Ordinance, Ordinance No. 455, by first declaring said amendments to be a public record.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That certain document entitled "Definitions Group 4 Open Space - 7-TA-2010," attached as Exhibit "A", three copies of which are on file in the office of the City Clerk, is hereby declared to be a public record. Said copies are ordered to remain on file with the City Clerk for public use and inspection.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 3rd day of April, 2012.

ATTEST:

CITY OF SCOTTSDALE, an
Arizona municipal corporation

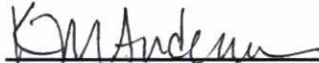
By: 

Carolyn Jagger, City Clerk

By: 

W. J. "Jim" Lane, Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY



Bruce Washburn, City Attorney

By: Kathe Anderson

DEFINITIONS GROUP 4 OPEN SPACE – 7-TA-2010

- a. Frontage open space minimum: 0.12 multiplied by the net lot area, except as follows:
 - i. Minimum: 20 square feet per one linear foot of public street frontage.
 - ii. Not required to exceed 50 square feet per one linear foot of public street frontage.
- b. The remainder of the minimum open space, less the frontage open space, shall be common open space.
2. Private outdoor living space.
 - a. First story dwelling units, minimum: 0.10 multiplied by the gross floor area of the unit.
 - b. Dwelling units above the first story, minimum: 0.05 multiplied by the gross floor area of the unit.
 - c. The private outdoor living space shall be located beside the dwelling unit which it serves and shall be for the exclusive use of the unit occupant(s), but is not part of the unit's gross floor area.
3. Parking areas and parking lot landscaping are not included in the required open space.

45. Section 5.707. [R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT.] is added as follows:

Sec. 5.707. Landscaping.

Unless otherwise provided, the provisions of Article X. apply.

46. The title of Section 5.800. [R-4 TOWNHOUSE RESIDENTIAL DISTRICT.] is amended as follows:

Sec. 5.800. ~~(R-4) TOWNHOUSE RESIDENTIAL DISTRICT~~ Townhouse Residential (R-4).

47. Subsection B. of Section 5.804. [R-4 TOWNHOUSE RESIDENTIAL DISTRICT.] is amended as follows:

Sec. 5.804. Property development standards.

~~B. Open space* requirements.~~

- ~~1. A minimum of ten (10) percent of the total gross land of the development shall be set aside for recreation uses or other common landscaped areas unless the overall density of the development is less than five (5) units per acre. The City Council may waive this requirement because of the relationship of the development to an existing public park or recreation area.~~
- ~~a. All accessory buildings for recreational purposes shall not occupy more than fifteen (15) percent of the total area reserved for recreation uses, and other common landscaped areas.~~

~~*Defined in section 3.100.~~

B. Required common open space.

1. Minimum: 0.10 multiplied by the total gross land area of the development, including landscape areas and recreation areas.
2. Accessory buildings for recreation may occupy up to 0.15 multiplied by the minimum required common open space.
3. This common open space is not required for developments with densities of less than five units per acre.
4. The City Council may waive this common open space requirement based on the development's relationship with an existing public park or recreation area.

48. Subsection G. of Section 5.804. [R-4 TOWNHOUSE RESIDENTIAL DISTRICT.] is amended as follows:

Sec. 5.804. Property development standards.

DEFINITIONS GROUP 4 OPEN SPACE – 7-TA-2010

G. Walls, fences and required screening.

1. Walls, fences and hedges ~~not to exceed eight (8) feet in height shall be permitted up to eight feet in height~~ are allowed on the property line or within the required yard areas, except within the required frontage open space, within which they may not exceed three ~~(3)~~ feet in height, or except as otherwise provided in ~~article~~ Article VII.
2. All parking areas shall be screened to a height of three ~~(3)~~ feet above the parking surface.
3. Storage and refuse areas shall be screened as determined by Development Review Board approval.

49. Section 5.807. [R-4 TOWNHOUSE RESIDENTIAL DISTRICT.] is added as follows:

Sec. 5.807. Landscaping.

Unless otherwise provided, the provisions of Article X. apply.

50. The title of Section 5.900. [R-4R RESORT/TOWNHOUSE RESIDENTIAL DISTRICT.] is amended as follows:

Sec. 5.900. ~~(R-4R) RESORT/TOWNHOUSE RESIDENTIAL DISTRICT~~ Resort/Townhouse Residential (R-4R).

51. The introductory statement of Section 5.904. [R-4R RESORT/TOWNHOUSE RESIDENTIAL DISTRICT.] is amended as follows:

Sec. 5.904. Property development standards.

The following property development standards shall apply to all land and buildings in the R-4R district ~~District~~:

52. Subsection E. of Section 5.904. [R-4R RESORT/TOWNHOUSE RESIDENTIAL DISTRICT.] is amended as follows:

Sec. 5.904. Property development standards.

E. Overall side yard requirements.

1. There shall be a yard a minimum of ~~thirty (30)~~ 30 feet in depth adjacent to all perimeter property lines, including property lines abutting perimeter streets, except that the minimum yard shall be only ~~twenty (20)~~ 20 feet adjacent to those perimeter property lines that abut districts other than R-4 a single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A.
2. Within ~~one hundred (100)~~ 100 feet of any perimeter street or any ~~R-4 district boundary line~~ single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A., all buildings shall be:
 - a. Used only for guest rooms that are detached from central hotel facilities or for dwelling units.
 - b. A maximum of one ~~(1)~~ story in height.
3. There shall be a yard a minimum of ~~one hundred (100)~~ 100 feet in depth adjacent to all perimeter streets, maintained as ~~meaningful~~ open space except for pedestrian and vehicular access ways, unless buildings as allowed in 2. above are constructed.
4. Within ~~fifty (50)~~ 50 feet of any district boundary line other than R-4 a single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts

DEFINITIONS GROUP 4 OPEN SPACE – 7-TA-2010

shown on Table 4.100.A., or any property line abutting additional **Resort/Townhouse Residential R-4R** zoning, all buildings shall be:

- a. Used only for guest rooms that are detached from central hotel facilities or for dwelling units.
- b. A maximum of one ~~(4)~~ story in height.

53. Subsection F. of Section 5.904. [R-4R RESORT/TOWNHOUSE RESIDENTIAL DISTRICT.] is amended as follows:

Sec. 5.904. Property development standards.

F. ~~Buildings, walls~~ **Walls, fences and landscaping.** 4. ~~Walls, fences and hedges not to exceed eight (8) feet in height up to eight feet in height and walled driveway entrances not to exceed six (6) up to six feet in height shall be are permitted, except that walls, fences and hedges must not exceed three (3) up to three feet in height in the required one-hundred 100-foot yard along street frontages and in the ten (10) 10 feet adjacent to the street where a thirty 30-foot setback is allowed along street frontages. Those yards must be maintained as landscape open space areas and may be penetrated by pedestrian and vehicular access ways only. (Walled driveway entrances not to exceed six (6) up to six feet in height shall be are permitted within the setback requirements if such entrance is compatible with the surrounding development).~~

54. Section 5.907. [R-4R RESORT/TOWNHOUSE RESIDENTIAL DISTRICT.] is added as follows:

Sec. 5.907. Landscaping.

Unless otherwise provided, the provisions of Article X. apply.

55. The title of Section 5.1000. [R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICT.] is amended as follows:

Sec. 5.1000. ~~(R-5) MULTIPLE-FAMILY RESIDENTIAL DISTRICT~~ **Multiple-family Residential (R-5).**

56. Subsection B. of Section 5.1003. [R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICT.] is amended as follows:

Sec. 5.1003. Use regulations.

B. Uses permitted by conditional use permit.

1. Commercial and/or ham transmitting or receiving radio and television antennas in excess of ~~seventy (70) 70~~ feet.
2. ~~Recreational uses (see section 1.403 for specific uses and development criteria for each).~~
3. ~~2.~~ Community buildings or recreational fields not publicly owned. ~~Convent.~~
43. Convent.
54. Day care center ~~(see section 1.403 for criteria).~~
65. Golf course, ~~regulation or par-three, (except miniature course or practice driving tee operated for commercial purposes), including clubhouse and service facilities which are intended to primarily serve golf course uses and are so located within the golf course that the development is self-contained and would provide whatever degree of buffer is necessary to adjacent property that is incidental to and located within the development.~~
76. Hotel, motel, and timeshare project of not less than ~~ten (10) 10~~ units and commercial uses appurtenant thereto, such as restaurant, cocktail lounges, gift shops, newsstand, smoke shops, barbershops, beauty parlors and small retail shops,

DEFINITIONS GROUP 4 OPEN SPACE – 7-TA-2010

provided the entrance of such use shall be from the interior of the building, lobby, arcade or interior patio.

- 87. Orphanage.
- 9. ~~Wireless communications facilities; Type 4, subject to requirements of sections 1.400, 3.100 and 7.200~~
- 408. Plant nursery; provided, however, that all materials (other than plant materials) shall be screened from view by a solid fence or wall at least six ~~(6)~~ feet in height, and further that a completely enclosed building having a minimum floor area of ~~five hundred (500)~~ 500 square feet shall be provided.
- 449. Private club, fraternity, sorority and lodges.
- 4210. Private lake, semi-public lake, tennis courts.
- 12. ~~Private lake, semi-public lake, swimming pools, tennis courts.~~
- 4311. Private or charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with the following standards, as well as those otherwise required in the ~~district R-5 District~~.
 - a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than ~~forty-three thousand (43,000)~~ 43,000 square feet (net).
 - b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to ~~two-tenths (0.2)~~ 0.20 multiplied by the net lot area.
 - c. ~~There shall be no outside~~ Noise: Outdoor speaker system or bells ~~are not allowed~~, if the school building is within ~~one hundred (100)~~ 100 feet of a single-family dwelling or multifamily dwelling unit.
 - d. ~~Open space: In no case shall the open space be less than twenty-four (24) percent of the total lot area for zero (0) to twenty (20) feet of total building height, plus four-tenths (0.4) percent of the total site for each foot of height above twenty (20) feet. All NAOS requirements of the district must be met and may be applied towards the overall open space requirements subject to compliance with NAOS standards.~~
 - d. Required open space.
 - i. Minimum: 0.24 multiplied by the net lot area.
 - ii. For building heights over 20 feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over 20 feet.
 - iii. NAOS may be included in the required open space.
 - e. Parking: Parking shall be allowed in the front yard setbacks of the district for schools on streets classified in the Transportation Master Plan as minor collector or greater. There shall be a three-foot high landscaped berm or wall along the street frontage where parking occurs. On all other street classifications, parking shall be located behind the established front building line(s). A minimum of ~~fifteen (15)~~ 15 percent of all parking areas shall be landscaped. A ~~twenty~~ 20-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
 - f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of ~~sixteen (16)~~ 16 feet in height. All lighting adjacent to residential districts shall be setback a minimum of ~~thirty (30)~~ 30 feet from the property line. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.

DEFINITIONS GROUP 4 OPEN SPACE – 7-TA-2010

- g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
- h. Access: All private and charter schools shall have frontage on a street classified in the Transportation Master Plan as a minor collector or greater. Side street access to a local collector residential street is prohibited when the number of students allowed to attend the school is greater than ~~two hundred fifty (250)~~ 250. A drop off area shall be provided that accommodates a minimum of five ~~(5)~~ cars at one ~~(4)~~ time.
- i. Operations: No outdoor activities shall be permitted after 8:00 p.m. unless otherwise approved through a special event permit. No playground or outdoor activity area shall be located within ~~fifty (50)~~ 50 feet of any R1 ~~district single-family residential district~~ shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A., or within ~~twenty-five (25)~~ 25 feet of any Two-family Residential R-2, Medium Density Residential R-3, Townhouse Residential R-4, Resort/Townhouse Residential R-4R, Multiple-family Residential R-5 or Manufactured Home M-H district. All playgrounds and outdoor activity areas shall be screened from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., by a minimum six-foot high screen wall.
- j. Building design: All buildings shall be designed to be compatible with the surrounding residential neighborhood. All building elevations shall be approved by the Development Review Board.
- 1412. Public buildings other than hospitals.
- 1413. Public utility buildings, structures or appurtenances thereto for public service uses.
- 1414. ~~Recreational uses.~~
- 15. Residential health care facility ~~(see section 1.403 for criteria).~~
- 16. Wireless communications facilities; Type 4, subject to requirements of sections 1.400., 3.100., and 7.200.

57. The introductory statement of Section 5.1004. [R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICT.] is amended as follows:

Sec. 5.1004. Property development standards.

The following property development standards shall apply to all land and buildings in the R-5 district ~~District~~.

58. Subsection B. of Section 5.1004. [R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICT.] is amended as follows:

Sec. 5.1004. Property development standards.

B. ~~Open space requirements.~~

- 1. ~~Main land uses that are density based shall provide open space in the amounts specified in the density chart—Section 5.1004.D in the following proportions:~~

S&W

Zoning Group

Heather Dukes, Esq
Attorney

Noel J. Griemsmann, AICP
Sr. Urban Planner

Cody White
Urban Planner

Taylor N. Moran
Urban Planner

Paola Jaramillo
Assistant Planner

Exhibit L

Staff Report for Case No. 7-TA-2010

12-BA-2020

CITY COUNCIL REPORT



Meeting Date: April 3, 2012
General Plan Element: *Land Use*
General Plan Goal: *Create a sense of community through land uses*

ACTION

Text Amendment - Definitions Group 4 - Open Space 7-TA-2010

Request to consider the following:

1. Adopt Ordinance No. 4005 approving a text amendment to the City of Scottsdale Zoning Ordinance (Ordinance No. 455) to amend Article I. (Administration and Procedures), Article III. (Definitions), Article V. (District Regulations), Article VI. (Supplementary Districts), Article VII. (General Provisions), Article IX. (Parking and Loading Requirements), and Article X. (Landscape Requirements), for the purpose of updating terms and regulations related to open space.
2. Adopt Resolution No. 8947 declaring the document entitled "Definitions Group 4 Open Space - 7-TA-2010" to be a public record.

APPLICANT CONTACT

City of Scottsdale
Kira Wauwie, AICP
Current Planning
480-312-7898

LOCATION

City-wide

BACKGROUND

General Plan

The General Plan is the policy document for guiding future development in the community. Policies contained in the General Plan encourage a high-quality of development and high-level function in the community. This is balanced with a recognition and support of an economically viable business climate.

Zoning

Scottsdale's first Zoning Ordinance was adopted in 1953 and a complete rewrite was conducted in 1969. The 1969 Zoning Ordinance is considered the base Zoning Ordinance for the City. Some of the regulations that are contained in the Zoning Ordinance today are the same as may have existed in the 1960's and 1970's. While many of those regulations may be effective and relevant for the 2010's, some of the regulations should be updated.

The Zoning Ordinance contains Article III which is designated for definitions. Definitions and references contained in a Zoning Ordinance respond to policy documents, current development practices, and the internal content of the Ordinance. In addition, the definitions are a means to assure community residents, developers, city staff, and others understand the rules and regulations.

Key Items for Consideration

- This proposal is part of the overall Zoning Ordinance update for definitions, and affects open space and related terms.
- The changes do not affect the development standard or use requirements.
- The changes are intended to increase consistency and uniformity; incorporate interpretations; and improve the usefulness of the Zoning Ordinance.
- The Planning Commission heard this case on January 25, 2012, and recommended approval by a unanimous vote of 7-0.

Related Policies, References:

Zoning Ordinance

APPLICANTS PROPOSAL

Goal/Purpose of Request

This request is to update definitions as part of the on-going Zoning Ordinance definitions update. The key improvement to the Zoning Ordinance is related to open space and related phrases, words, and terms.

Background

The definitions project is an incremental approach of making improvements to the Zoning Ordinance. The objective is to create a more useful document that incorporates interpretations, routine policy practice, and more readily understood language. The existing text is also evaluated to assure consistent format, order, and use of words and phrases. Definitions groups that have been completed include the following: accessory buildings, day care, gross floor area, net floor area, volume, mature tree, schools, pools, tattoo parlor, and titles.

Principles for Definitions

Definitions should state the meaning of a word or phrase as used in the Zoning Ordinance. Definitions should not contain regulatory statements; the regulations should be located within specific zoning districts or within other parts of the Zoning Ordinance. There can be exceptions to this guideline but those should be rare. Exceptions that might occur are often the result of limited

alternative definition language. When a word is used only once in Zoning Regulations, caution should be employed in deciding to incorporate a definition and often the regulatory section can readily reveal the word's meaning.

Open Space Definitions

Clarity. The initial analysis and evaluation of open space terms revealed that the key ideas about open space easily intermingle between terms that function to direct a wide variety of property improvements. For example: landscape area and landscape buffer and open space as existing in the Zoning Ordinance can mean that part of a property improved with plants extending ten feet from the side property line. A more simplified and consistent approach would be to separate and distinguish the terms from one another, resulting in that part of the property holding the label of "landscape area."

Ease of Use. The calculations for the amount of required open space are not clear. This proposal is to establish directions for calculations that ease the effort of determining the amount of open space. The proposed draft includes shorter sentences, reordering of ideas, and standardization of the calculation method.

Organization. Generally key ideas can be organized into groups, patterns, or a hierarchy. Open space terms could be organized into groups, but these groupings become confusing due to the interrelatedness and wide variety of open space types that are employed in development of urban, suburban, and rural areas. Thus less emphasis has been given to organization of open space concepts in this effort as compared to other text amendments. Greater emphasis has been placed on clarity by rewriting and refining open space and related definitions and language within the Zoning Ordinance.

Proposed Revisions. This request affects open space and related phrases, words, and terms. The proposed changes affect the following:

- New definitions: berm, buffer, hardscape, private outdoor living space, and revegetated area;
- Revised definitions: buffered setback, common open space, construction envelope, desert scenic roadways setback, frontage open space, landscape area, landscape materials, landscape plan, landscaping, natural area open space, open space, revegetation, scenic corridor, sidewalk sales, vista corridor, yard, front yard, rear yard, and side yard; and
- Deleted definitions: improved open space, landscaped area, meaningful desert open space, private open space, and revegetated land.

The proposal incorporates Zoning Administrator interpretations, day-to-day practices, and updates the out-dated language to more contemporary language. The following are examples of the proposed changes, listed in no particular order:

- Where the word "buffer" is used with the word "wall" as in "buffer wall," the word "buffer" is deleted because the intent of the language is to provide a wall. A wall is a vertical structure and a buffer is a landscape area or other open space.
- The language used for the plan: "landscaping and buffering plan" is proposed for revision to "landscape and buffer plan" to create consistent language throughout the Zoning Ordinance.
- Where the term "landscape buffer" is used, it is replaced with "buffer" and the definition for buffer states that the buffer is a landscaped area.

- The open space development standard descriptions are shown in the existing language as one paragraph. This proposal modifies the format into an outline that is easier to read. In addition, the story problem language is simplified by converting percentage language into decimal language with more direct instructions, such as: "Total open space: Minimum of 0.24 multiplied by the net lot area."

IMPACT ANALYSIS

Zoning Ordinance Administration / Land Development / Economic Vitality

These updates to the Zoning Ordinance will enhance and improve the implementation of the Zoning Ordinance, which should facilitate more timely responses and decision making for the land development and business establishment processes. Clarification of open space requirements and references helps promote a readily agreeable dialogue about development project details.

Community Involvement

Two open house meetings were held, the first on August 16, 2011 and the second on August 17, 2011. A 1/8 page advertisement was published in the local newspaper to advise the community of the open house meetings and a post card mailing was sent to community members. There were two attendees at the open house meetings. One of the attendees suggested that the word "meaningful" not be eliminated where that word is used in conjunction with open space, as in "meaningful open space." This proposal maintains the term "meaningful" in the definition of open space and within the Zoning Ordinance text except where the definition is sufficient.

In November, 2011 a summary draft was sent to the community members for review and comment. The only response received to that mailing was whether or not there were any substantial changes to the development standards or required amounts of open space. This proposal does not include changes to the amounts of required open space or development standard requirements.

Community Impact

The Zoning Ordinance is the implementing tool for use and development standards associated with land development and its usefulness or lack thereof affects the well-being, livability, and economic activity in the community. When the Zoning Ordinance provides clear direction and guidance, business and personal decisions about property can be made quickly. These changes positively enhance the business and resident experiences by facilitating a higher quality of life and business activity.

OTHER BOARDS & COMMISSIONS

Planning Commission

The Planning Commission heard this case on January 25, 2012, and recommended approval to City Council by a unanimous vote of 7-0.

Staff Recommendation to Planning Commission

Staff recommended that the Planning Commission make a recommendation to the City Council for approval of case 7-TA-2010, a text amendment to the City of Scottsdale Zoning Ordinance

(Ordinance No. 455) to amend Article I. (Administration and Procedures), Article III. (Definitions), Article V. (District Regulations), Article VI. (Supplementary Districts), Article VII. (General Provisions), Article IX. (Parking and Loading Requirements), and Article X. (Landscape Requirements), for the purpose of updating terms and phrases related to open space, and revise definitions.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach

1. Adopt Ordinance No. 4005 approving a text amendment to the City of Scottsdale Zoning Ordinance (Ordinance No. 455) to amend Article I. (Administration and Procedures), Article III. (Definitions), Article V. (District Regulations), Article VI. (Supplementary Districts), Article VII. (General Provisions), Article IX. (Parking and Loading Requirements), and Article X. (Landscape Requirements), for the purpose of updating terms and regulations related to open space.
2. Adopt Resolution No. 8947 declaring the document entitled "Definitions Group 4 Open Space - 7-TA-2010" to be a public record.

RESPONSIBLE DEPARTMENT

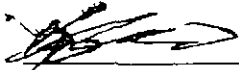
Planning, Neighborhood and Transportation

Current Planning Services

STAFF CONTACT

Kira Wauwie, AICP
Project Coordination Liaison
480-312-7898
E-mail: kwauwie@ScottsdaleAZ.gov

APPROVED BY



Kira Wauwie, AICP, Report Author

3-12-2012

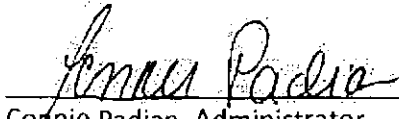
Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

3-19-2012

Date



Connie Padian, Administrator
Planning, Neighborhood and Transportation
480-312-2664, cpadian@scottsdaleaz.gov

3/19/12

Date

ATTACHMENTS

1. Ordinance No. 4005
2. Resolution No. 8947
Exhibit "A" Zoning Ordinance Text Amendment Language
3. Citizen Involvement Report
4. January 25, 2012 Planning Commission Minutes

ORDINANCE NO. 4005

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, TO AMEND ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF AMENDING ARTICLE I. (ADMINISTRATION AND PROCEDURES), ARTICLE III. (DEFINITIONS), ARTICLE V. (DISTRICT REGULATIONS), ARTICLE VI. (SUPPLEMENTARY DISTRICTS), ARTICLE VII. (GENERAL PROVISIONS), ARTICLE IX. (PARKING AND LOADING REQUIREMENTS), AND ARTICLE X. (LANDSCAPE REQUIREMENTS), AS PROVIDED IN CASE NO. 7-TA-2010.

WHEREAS, the City of Scottsdale wishes to amend the Zoning Ordinance provisions addressing certain definitions and their use in the Zoning Ordinance; and

WHEREAS, the Planning Commission held a public hearing on January 25, 2012; and

WHEREAS, the City Council held a public hearing on April 3, 2012 and considered a text amendment to the Zoning Ordinance of the City of Scottsdale, Case No. 7-TA-2010; and

WHEREAS, the City Council has determined that the subject Zoning Ordinance amendment is in conformance with the General Plan.

THEREFORE BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. That the Zoning Ordinance of the City of Scottsdale, is amended by amending Article I. (Administration and Procedures), Article III. (Definitions), Article V. (District Regulations), Article VI. (Supplementary Districts), Article VII. (General Provisions), Article IX. (Parking and Loading Requirements), and Article X. (Landscape Requirements), as specified in that certain document entitled "Definitions Group 4 Open Space - 7-TA-2010" declared to be a public record by Resolution No. 8947 of the City of Scottsdale, and hereby referred to, adopted in its entirety and made a part hereof as if fully set out in this Ordinance.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this 3rd day of April, 2012.


ATTEST:

CITY OF SCOTTSDALE, an
Arizona municipal corporation

By: _____
Carolyn Jagger, City Clerk

By: _____
W. J. "Jim" Lane, Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY



Bruce Washburn, City Attorney
By: Kathe Anderson